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Summary

We citizens of Hollis live in a special town. We have the beauty of our fields, our orchards, our forests. We are surrounded by the history of our country's earliest times. Our citizens volunteer in every facet of our town government and town's activities. Our schools are the envy of many.

As we prepare for Hollis's inevitable growth, we are wise to consider what we cherish about our town, and what we want to preserve. And then, we must work together to preserve what we decide makes our town so special.

The past three years, the Hollis Strategic Planning Committee has sought to understand our town - what it is today and might be in the future, and what our citizens love and want to preserve.

We present here a short summary of conclusions based on the data we have collected:

- First, We must preserve our rural character. We must keep some of our fields, our orchards, our forests, protected against development. We must preserve our historic sites. We must know where our water resources are, and protect them. We must be a town friendly to our agricultural businesses.
- Second, We must understand, appreciate, and encourage a high rate of participation and volunteerism by town residents.
- Third, We must maintain the many other aspects necessary for a well-functioning town. These include our schools, our community facilities, our police, fire, and emergency services, our roads, our utilities and communication systems.
- Fourth, We must address emerging issues which reflect our growth and aging demographics. These include elderly services, recreational facilities, and public transportation.

We must balance all these goals and maintain an acceptable tax rate.

Overview

This is the third and final report of the Hollis Strategic Planning Committee. The Committee was chartered by the Hollis Board of Selectmen in 2005 to make assessments of what Hollis may look like in the future, and how that future may differ from Hollis today and/or from the visions of its residents.

In its first phase of work, the Committee completed a "Growth Impacts Analysis," which estimated the likely ultimate population of Hollis after "buildout," when all of the available land has been developed under existing zoning ordinances. The results of this work were reported in March 2006 at the Annual Town Meeting and to the Hollis Planning Board and Board of Selectmen. Copies of this report are available at the Committee website: www.hollisgrows.com.

In its second phase of work, the Committee completed a survey of the residents of Hollis to assess their opinions of the current state of the Town and their visions for the Town in the future. The results of this work were reported at the Annual Town Meeting and to the Hollis Planning Board and Board of Selectmen in March 2007. Copies of this report are also available at the Committee website.

In its third and final phase, the Committee attempted to compare the results of the first two phases, and to identify where differences occur between the likely status of Hollis at buildout, and the status as envisioned by its residents. This report presents the results of that work.

It may be helpful to remember the following points when reading this report:

- The conclusions presented in this report are solely those of the Hollis Strategic Planning Committee. Although the Committee gathered input from and shared its results with many individuals, groups and organizations, the conclusions expressed are not necessarily shared by everyone outside the Committee.
- When conclusions are made or data are presented, we have attempted to make clear what assumptions or sources were used. As our report attempts to forecast future events, we have tried to use appropriate terms such as "projected," "estimated," "may," etc., when presenting our work. As the data has been collected over a period of three years, we have attempted to make sure that it has remained consistent over time. We believe that any inconsistencies in data that may be found, if any, are not significant to the conclusions of this report.
- One of the key goals of the Committee was to develop a cost model that could be used to test various growth scenarios based upon cost/benefit analyses. Unfortunately, the task of developing such a model proved to be more complex than anticipated. This factor was further exacerbated by a lack of expertise and/or availability of key people, and the goal of developing a cost model was not achieved. The "cost of growth" remains as a significant unknown as the Town approaches buildout, and the Committee continues to believe that a cost model would be helpful to the Town in planning for future growth.

Members of the Hollis Strategic Planning Committee

The following volunteers have contributed to the HSPC over the past three years:

Peter Baker	Mark Le Doux
Bill Beauregard	Art Le Blanc
Jim Bélanger	June Litwin
Connie Cain, Secretary	Arnie McCalmont
Thom Davies	Anita Moynihan
Robert Dion	Dan Moriarty
Candy Dochstader	Jim Oehler
John Eresian	Dan Peterson
Van Eresian	Chet Rogers
Julie Forgaard	Roger Saunders
David Gilmour	Andy Seremeth
Gerry Haley	Nancy Struckman
Dan Harmon, Chairman	David Udelsman
Mike Harris	Ray Valle
Chris Hyde, Vice-Chairman	Melinda Willis, Selectmen's Liaison
Kevin McDonnell	Mary Ann Wesoly

Charter

In the Nashua Regional Planning Commission's Buildout Analysis of 2005, it is estimated that 5,350 acres of buildable land, representing approximately 48% of the remaining open land within the Town of Hollis, is vacant but developable under current zoning restrictions and ordinances. Many factors are contributing to the development of this land. If all of it is converted to residential use, the population will increase by over 60% and there will be significant changes in the town's infrastructure, tax structure, character and appearance. Given the timeline for conversion (estimated to take 25 to 30 years at current population growth rates), there is still time for the citizens of Hollis to significantly influence the rate of conversion, and to determine the ultimate population and character of the town.

Mission

The Mission of the Hollis Strategic Planning Committee is to:

- evaluate the impact of buildout on the Town of Hollis;
- solicit the views of the Hollis community with respect to its opinions on the current state and future vision for the Town of Hollis;
- identify differences between the community's vision and the buildout analysis, and recommend actions (including changes to the Master Plan) that will promote realization of the community's vision.

Action Plan

In order to achieve its Mission, the Hollis Strategic Planning Committee will:

- Conduct its work in three stages as follows:
 1. By the March 2006 Annual Town Meeting, prepare an estimate, in quantifiable terms where possible, of the impact of buildout on the Town of Hollis with respect to costs, infrastructure, environment, culture, etc.
 2. Prepare a survey/questionnaire to solicit the opinions and suggestions of the Hollis community regarding its vision for the future of Hollis. Distribute, collect, compile, and present results of this survey by the March 2007 Town Meeting.
 3. By the March 2008 Annual Town Meeting, compare the community's vision as determined from the survey to the buildout analysis, identify differences, and present recommendations (including changes to the Master Plan) with cost/benefit analyses that the Town could enact to achieve its vision.
- Focus its work on the following Areas of Interest:

> Affordable Housing	> Governance
> Business and Commerce	> Historic Resources
> Communications and Utilities	> Land Protection
> Community Facilities	> Public Schools
> Drinking Water	> Recreation Areas and Facilities
> Elderly Services	> Roads and Transportation

Key Findings

1. Rural Character

In the 2006 Community Survey, the concept of rural character was found to be extremely important to the residents of Hollis, with 96% of respondents selecting “rural character” as what they like most about living in Hollis, and 57% citing “loss of rural character” as a factor that might influence them to leave. These results were consistent with the findings of the previous three community surveys.

Although the zoning ordinance for the Town of Hollis addresses rural character (Section XV: Hollis Rural Character Preservation Ordinance), the committee recommends that the Town consider amending the ordinance to include language similar to the Town of Conway’s ordinance related to Aesthetic Values. The committee also recommends that the town’s Master Plan address the aesthetic values of the town as they relate to the concept of rural and/or country community, and include the information gathered from Town residents in the 2006 Community Survey regarding “rural character.”

2. Impact of Growth and Buildout

In the 2006 Community Survey, 54% of respondents believe that Hollis is growing too fast, and more than 65% also believe that this is negatively impacting many of the things that they like about living in Hollis, including, most notably, rural character. Moreover, the buildout analysis conducted by the HSPC in 2005 determined that, under current zoning regulations and conditions, the Town of Hollis will reach an ultimate population of about 12,000 persons, a 57% increase over the 2005 population. During the course of buildout, about 6,800 acres, or about one-third of the land area of Hollis, will be converted from its current use, including about 46% of all agricultural land, and 60% of the open space. About 6,500 acres of this land will be converted to residential use.

Returning to the Survey, about 72% of the respondents were interested in having the Town protect more land from development, but only about 25% were willing to pay more property taxes to achieve this, and more respondents cited “tax burden” than cited “loss of rural character” as a factor that might influence them to leave Hollis (69% vs. 57%).

3. Affordable Housing

A lack of affordable housing, including rentals, has been a problem for the entire Nashua region, including Hollis, and is getting worse with time.

This problem is not likely to improve in the future. According to the 2006 Community Survey, Hollis residents are strongly opposed to subsidizing affordable housing, and there is no regulatory pressure from State or Federal governments to develop affordable housing in Hollis.

4. Business and Commerce

There will likely be increases in the number of commercial and industrial businesses as the Town of Hollis grows to buildout. However, although almost 70% of the respondents to the 2006 Community Survey supported the expansion of agricultural businesses within Hollis, buildout will be accompanied by a significant contraction in the size of agricultural businesses, with over 1,500 acres of agricultural land converted to residential use. This conversion from agricultural use to residential use will likely have a negative impact on two benefits that current agricultural businesses provide for the Town of Hollis: tax efficiency and rural character.

5. Communication and Utilities

Today, Hollis enjoys good infrastructure for telecommunications and television, with competing landline, cable and satellite access to telephone, Internet, television and radio. There are some challenges regarding adequate cellular coverage for town residents that may need to be addressed in the near future for public welfare and safety reasons, as well as for potential negative impacts to property valuations for residents.

6. Community Facilities

As the town population grows, the demand for town services and the facilities necessary to provide those services will grow. Federal and State recommendations or guidelines may also be a factor in the town's future decisions to expand town facilities.

It is estimated that aggregate increases in staffing in the range of 65% and in facilities in the range of 70% will be needed by the all town departments (police, fire and rescue, public works, library and town administration) to meet response times and provide essential services to the town at buildout.

7. Drinking Water

In the 2006 Community Survey, almost 90% of the respondents considered it fairly to extremely important to preserve the town's aquifers, but it is extremely difficult with current technologies to determine safe withdrawal rates. Moreover, the State holds drinking water resources in "public trust," so Hollis does not own or control the water resources within its boundaries (e.g., the Town of Merrimack receives water from their wells located within Hollis). However, Hollis can and should protect its drinking water resources by enforcing related ordinances and regulations.

8. Elderly Services

Due to "baby-boomer" demographics and general population growth, the senior population of Hollis is expected to double by 2020, approaching 10% of the expected Hollis population. Although additional services, such as transportation and housing, will be required by this group, there are currently no initiatives to address these growing needs.

9. Governance

Today, the Town of Hollis has a “minimalist” governance structure, with budgets and rules controlled directly by residents and almost 60% of the governance positions manned by appointed volunteers. This contributes to low operating costs and maximizes community control. Based upon studies of governance structures in other New Hampshire communities with populations around 12,000 (the ultimate population for Hollis), Hollis can retain this “minimalist” form of governance after buildout if the residents of the town so choose. However, this will require a continuation, or even increase, in community activism through volunteering and meeting participation.

10. Historic Resources

Over three-quarters of the respondents to the 2006 Community Survey expressed strong interest in preserving historic sites, and more than half favored preserving privately-owned historic buildings.

Over one-quarter (28%) of the 257 historic sites and buildings within the Town of Hollis documented in 1999 are located on developable land parcels that are projected to be converted to residential use during buildout.

11. Land Protection

Hollis has 5,375 acres of protected land, 63% of which has been preserved without tax dollars. In the 2006 Community Survey, about 72% of the respondents favored protecting additional land, but only about 25% expressed the willingness to do so with tax dollars. As pressure from population growth continues, Hollis will be challenged to find ways to protect land and natural resources with as few tax dollars as possible.

There are ways to protect land with few tax dollars, but they are not simple. These include encouraging citizens to protect their own land while retaining ownership, and encouraging private groups to purchase large tracts, developing a portion, and preserving the rest. Highly desired parcels may still require tax dollars along with grants and donations.

12. Public Schools

The Town continues to struggle with tradeoffs between the quality and the costs of its public schools, according to the 2006 Community Survey, as many people would reduce educational quality to save on property taxes as would increase property taxes to maintain or improve it.

Based upon estimates of future school populations, it is projected that expansions of the Hollis/Brookline High and Middle Schools will be required before the Town reaches buildout. However, the current High and Middle School facilities have the capacity to contain Hollis-only high school and middle school student populations through buildout, raising the issue about the pros and cons of continuing the Hollis/Brookline Cooperative School District (H/B Coop). The process for dissolving the H/B Coop, and the costs of dissolution to both Hollis and Brookline are not known and should be determined.

13. Recreation

Based on the recommended guidelines in the N.H. Statewide Comprehensive Outdoor Recreational Plan, it appears that considerable growth in recreational facilities may be desirable to meet the needs of the town at buildout. The Town may have to consider additional provisions for 10 baseball diamonds, eight basketball courts, three multi-purpose sport fields, an ice skating area, four playgrounds, 10 softball fields, and four tennis courts. There is also a need indicated for beaches to provide swimming and aquatic activities, as well as a skateboard park for young people. It is estimated that additional space totaling 36.4 acres (plus parking) will be needed to accommodate the additional recreation needs at buildout.

14. Roads and Transportation

Due to regional growth and the unique geographic location of Hollis, the NRPC projects that traffic “passing through” Hollis will more than double as the region approaches buildout, thus creating an additional burden on our DPW to maintain our secondary roads. During buildout, town roads are projected to increase from 89 to 110 miles (+24%).

The lack of public transportation to accommodate an increasing population and aging demographics may become an issue as Hollis grows towards buildout.

Key Issues and Recommended Actions

A. Key Issues

These are the critical issues that the Town of Hollis is likely to encounter as it grows from now to buildout:

1. maintaining rural character - the town's character will continue to become less "rural" and more "residential", in conflict with the desires of its citizens.
2. balancing education cost vs quality - the town's residents will continue to struggle with what they can afford in property taxes and what they desire in quality of education.
3. managing the cost of growth – the lack of a visible, consolidated, multi-year spending plan deprives the Town of a means for long-term planning, and for communicating the implications of growth to its residents. As long as this continues, the town's residents will be "reactive" to the problems of growth.
4. future governance
 - though the Town may continue its current form of governance after buildout, if it so chooses, this may be problematic without an increase in the level of citizen participation in volunteerism and town meetings;
 - unless the town is proactive in exploring and selecting its ultimate form of governance, it will happen "by circumstance."
5. future of Hollis-Brookline Coop - the town will need to decide if it is in its best interests to continue in the Hollis-Brookline Coop
6. coordination between Town and school systems – at present, there is little coordination between the town and school systems with regard to planning for growth:
 - the town and school systems are competing for the same tax dollars, and, as the schools require approximately 75% of property taxes, the town will be at a disadvantage when trying to raise needed revenues.
7. emerging issues – the impacts of growth upon recreation, transportation, water resources (quality and quantity), and elderly services are not yet apparent, but are likely to lead to issues in the future.

B. Recommended Actions

The following actions address the Key Issues outlined above. The relationship of each Issue and Action is defined in Chart B.

1. update town master plan
 - a. 10 years old (1998)
 - b. strengthen provisions for rural character, and agriculture
 - c. address recreation, water resources, transportation, and elderly services.
2. develop population/time-based cost model (Attachment A) to use as a “spending roadmap” for growth:
 - a. planning tool for identifying and scheduling future capital expenditures; can be used to “smooth out” spending, in order to avoid having taxes rise dramatically if several large expenditures occur simultaneously.
 - b. improve understanding of “cost of growth,” should be reviewed annually with residents at ATM
 - c. must include school systems as well as town
 - d. seek “professional” help in developing (UNH or NRPC?)
3. improve our current form of governance while exploring alternatives:
 - a. promote more participation by the town’s residents:
 - i. more proactive in identifying, cultivating, and training volunteers (note: many organizations use a “director of volunteers” to address this need)
 - ii. explore methods for improving resident participation in annual town and school meetings
 - b. investigate and select our ultimate form of governance, considering options to improve efficiency (eg, consolidate annual school and town meetings)
4. explore more ways to promote agricultural businesses in town:
 - a. almost 70% of residents support expanding agricultural businesses
 - b. maintaining agricultural businesses is cheaper than buying land as a way to preserve “rural character”
 - c. it is tax-efficient; e.g., costs less to service than it pays in taxes

note: agriculture includes crop/livestock farming, and forest management
5. improve coordination and integration of planning with school systems
 - a. shared planning, including spending roadmap and Master Plan
 - b. regular tri-party meetings, and board liaisons
 - c. consider common ATM’s (at minimum, town schools)
 - d. joint participation in considering issues surrounding the future of the coop is a good first step

Chart A – Example of Spending Roadmap

Hollis Consolidated Spending Plan

[entry items and costs are for illustration purposes only, and have no basis in fact]

	calendar year →					
	2xxx	2xxx	2xxx	2xxx	2xxx	2xxx
number of households						
town population						
<u>Town</u>						
administration	renovate town hall					
fire/rescue/police				replace fire pumper		add fire station
dpw		replace dump truck & tractor			purchase recreation field	
library			expand library			
subtotal project cost	\$5.0M	\$0.3M	\$1.2M	\$0.3M	\$0.8M	\$1.5M
subtotal annual cost						
<u>Hollis Brookline Coop</u>			expand middle school			
subtotal project cost			\$6.5M			
subtotal annual cost						
<u>Hollis Schools</u>				new elementary building		
subtotal project cost				\$10.4M		
subtotal annual cost						
totals						
total project costs	\$5.0M	\$0.3M	\$7.7M	\$10.7M	\$0.8M	\$1.5M
total annual costs						

Chart B - Effectiveness of Recommended Actions
how key issues are impacted by each recommended action

key issues	recommended actions				
	update master plan	spending roadmap	promote and select governance	promote agricultural business	joint town/school planning
maintaining rural character	A	a		A	
education cost vs quality		a			A
managing cost of growth	a	A	a	a	A
future of governance	a	a	A		
future of coop		a			A
town/school system coordination	a	A	a		A
emerging issues	A	a		a	

A – significantly addresses key issue

a – somewhat addresses key issue

Appendix
Topical Reports

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Rural Character

The Hollis Strategic Planning Committee in the summer of 2006 mailed the Hollis Community Survey to residents and taxpayers in Hollis. The survey asked questions in different categories about what residents liked about living in the town. Ninety-six percent of the residents and landowners who responded to the survey in the summer of 2006 cited that rural character was what they liked most or somewhat about living in Hollis. Thirty-five to 45 percent of respondents cited that growth would have a somewhat to very negative impact on rural character. In the question related to factors that might influence residents to leave Hollis, 66 percent cited loss of rural character. (Att. 1.)

The Town of Hollis has enacted a Rural Character Ordinance (Section VI, amended March 14, 2006). The objective of the Rural Character Preservation Ordinance is "To preserve and maintain Hollis' scenic vistas and rural character, particularly as seen from public ways, and maintain woodlands and open spaces through the use of visually unobtrusive and environmentally sound development, while permitting the landowner to exercise his/her property rights in a manner that does not affect the density of development."

Under RSA 674 on Local Land Use Planning and Regulatory Powers, there are two sections that are relevant to the concept of "rural character." RSA 674:16 grants communities the right to adopt or amend a zoning ordinance for the "purpose of promoting the health, safety and general welfare of the community." RSA 674:17 states that zoning ordinances shall be designed "to promote health and the general welfare." (Att. 2 and 3.)

Recent Case Law supports the consideration of aesthetic values in promoting the general welfare of a community. (Att. 4.) The Supreme Court of New Hampshire stated in *Michael Asselin, d/b/a Mario's Restaurant, & a. v. Town of Conway; Town of Conway v. Cardiff & Company*, "We now conclude that municipalities may validly exercise zoning power solely to advance aesthetic {137 N.H. 372} values, because the preservation or enhancement of the visual environment may promote the general welfare. See RSA 674:16, I; Opinion of the Justices, 103 N.H. 268, 270, A.2d 762, 764 (1961). We hold that the town in this case has not exceeded its authority under RSA 674:16 by relying exclusively on the promotion of aesthetic values for its exercise of zoning power."

It is suggested that the next Master Plan update include a section on the aesthetic values of the town as they relate to the concept of rural and or country community. This section could include the information gathered from the SPC survey and a recommendation to consider the adoption of zoning similar to Town of Conway's ordinance related to Aesthetic Values: "To promote aesthetic values, including [but not limited to,] preserving scenic vistas, discouraging development from competing with the natural environment, and promoting the character of a 'country [and/or rural] community.'" The Rural Character committee suggested including the additional verbiage in brackets.

Attachment 1.

The following responses are from the Hollis Strategic Planning Committee's 2006 Community Survey. The bolded responses illustrate the respondents' desire to maintain and preserve rural character in the Town of Hollis.

QUESTION 20: Asks "what factors might influence you to leave Hollis - more that one response allowed"

Decline in school system	270	Lack of senior services	104
Job relocation	308	Traffic congestion	156
Tax burden	655	Decline in water quality	355
Loss of rural character	547	Lack of housing options	125
Lack of public transportation	33	Other	66
Lack of recreational facilities	50		

Written Comments from Questions 18, 21 and 22

Two thousand eight-hundred and one (2,801) written comments were submitted in response to questions 18, 21 and 22. As many of the comments addressed the same issues, they were classified and grouped for ease of reporting for the three questions. The most frequently mentioned issues and number of comments for the three questions follow.

QUESTION 18 asks: "What do you think is the biggest challenge or most important issue facing the Town of Hollis? Do you have any suggestions or recommendations regarding this issue?"

There were 943 written responses submitted, some that answered both questions. They were:

Comment areas	# responses	Percentage
---------------	-------------	------------

1. Concern over unmanaged growth of the town and maintaining the rural character of Hollis	396	41.9%
2. Concern at the increased taxation rates	203	21.5%
3. Issue of public schooling and cost associated with Hollis-Brookline Coop	163	17.2%
4. Concern of housing and affordability of living in Hollis	44	4.6%
5. Town services	28	2.9%
6. Social issues	22	2.3%
7. Traffic control and flow management	21	2.2%
8. Town government and governance	26	2.7%
9. Police and Fire departments	10	1.0%
10. Senior concerns	14	1.4%
11. Business development	12	1.2%
12. Employment	1	0.1%
13. No comment	2	0.2%

QUESTION 21 asks: “What do you consider to be Hollis’ greatest strengths?”

There were 1036 comments submitted. They were:

Comment areas	# responses	Percentage
1. Rural character/beautiful atmosphere/open space	372	35.9%
2. Schools	118	11.3%
3. Central location of Hollis	72	6.9%
4. Small town character with low population – country living	69	6.6%

5. Scenic natural beauty - Beaver Brook – environmental protections	67	6.4%
6. Friendly residents – quality and character of town population	64	6.1%
7. Land conservation – intelligent zoning and preservation	62	5.9%
8. Agricultural heritage – local farms and orchards	54	5.2%
9. Good sense of community – peaceful – high standard of living	30	2.9%
10. Participatory government – good town services and oversight	29	2.8%
11. Safe with low crime – good police and fire departments	26	2.5%
12. Volunteerism	24	3.3%
13. Historic atmosphere	10	0.9%
14. Recreational facilities and activities	7	0.6%
15. Low comparable tax rates	5	0.4%

Note: On question 21, there were 27 miscellaneous comments over numerous areas such as the library, center of town, the local church, no fast-food franchises, etc.

QUESTION 22 asks: “What do you think is the greatest change needed in Hollis?”

There were 822 comments submitted. They were:

	Comment areas	# responses	Percentage
1. Need to manage housing development, preserve open space, growth	230	27.9%	
2. Taxes brought under control	115	13.9%	
3. Coop school system-disband	100	12.1%	
4. Town governance (town manager, etc.)	88	10.7%	

5. Social issues	66	8.0%
6. Protection of open and agricultural lands, aquifers, watershed	60	7.2%
7. Town services	41	4.9%
8. Traffic control	36	4.3%
9. Businesses, more or less	28	3.4%
10. Write-in of "none" or "no opinion"	22	2.2%
11. Senior issues	2	2.2%
12. Additional recreational facilities	14	1.7%

Attachment 2.

674:16 Grant of Power

Text

I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5. The zoning ordinance shall be designed to regulate and restrict:

- (a) The height, number of stories and size of buildings and other structures;
- (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
- (c) The density of population in the municipality; and
- (d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.

II. The power to adopt a zoning ordinance under this subdivision expressly includes the power to adopt innovative land use controls which may include, but which are not limited to, the methods contained in RSA 674:21.

III. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate and control the timing of development as provided in RSA 674:22.

IV. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt or amend a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio services that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

V. In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate and control accessory uses on private land. Unless specifically proscribed by local land use regulation, aircraft take offs and landings on private land by the owner of such land or by a person who resides on such land shall be considered a valid and permitted accessory use.

History

Source. 1983, 447:1. 1985, 103:19. 1989, 266:14, 15. 1995, 176:1, eff. Aug. 4, 1995. 1996, 218:1, eff. Aug. 9, 1996.

Annotations

Attachment 3.

674:17 Purposes of Zoning Ordinances

Text

I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477. Zoning ordinances may establish buffer zones or additional districts which overlap existing districts and may further regulate the planting and trimming of vegetation on public and private property to protect access to renewable energy systems.

II. Every zoning ordinance shall be made with reasonable consideration to, among other things, the character of the area involved and its peculiar suitability for particular uses, as well as with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality.

III. Except as provided in RSA 424:5 or RSA 422-B or in any other provision of Title XXXIX, no city, town, or county in which there are located unincorporated towns or unorganized places shall adopt a zoning ordinance or regulation with respect to antennas used exclusively in the amateur radio service that fails to conform to the limited federal preemption entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985) issued by the Federal Communications Commission.

History

Source. 1983, 447:1. 1989, 42:2. 1995, 176:2, eff. Aug. 4, 1995. 2000, 279:2, eff. July 1, 2001. 2002, 73:2, eff. June 30, 2002.

Annotations

Attachment 4.

Michael Asselin, d/b/a Mario's Restaurant, & a. v. Town of Conway; Town of Conway v. Cardiff & Company

SUPREME COURT OF NEW HAMPSHIRE
137 NH 368; 137 N.H. 368; 628 A.2d 247; 1993 NH LEXIS 891993 N.H. LEXIS 89; 5 ALR 22125 A.L.R. 2212; 30 ALR5th 81330 A.L.R. 5th 813

No. 92-298

July 2, 1993, Decided

Editorial Information: Subsequent History

Released for Publication July 30, 1993.

Editorial Information: Prior History

Appeal from Carroll County.

Disposition

Affirmed.

Headnotes

1. Zoning and Planning—Ordinance--Validity

Due process requires that an ordinance proscribing conduct not be so vague as to fail to give a person of ordinary intelligence a reasonable opportunity to know what is prohibited.

2. Zoning and Planning—Ordinances--Validity

Sign illumination provision of town zoning ordinance which provided: "Signs shall not be illuminated from within; signs may be illuminated only by external light" was not impermissibly vague.

3. Zoning and Planning—Ordinances--Enactment

State zoning enabling acts grants municipalities broad authority to pass zoning ordinances for the health, safety, morals, and general welfare of the community. RSA 674:16, I.

4. Zoning and Planning--Ordinances--Aesthetic Values

Municipalities may validly exercise zoning power solely to advance aesthetic values, because preservation or enhancement of visual environment may promote the general welfare. RSA 674:16.

5. Zoning and Planning--Ordinances--Aesthetic Values

Town did not exceed its statutory authority by relying exclusively on promotion of aesthetic values for its exercise of zoning power. RSA 674:16.

6. Appeal and Error--Standards of Review--Generally

Supreme court will uphold trial court's decision if it is not erroneous as a matter of law, and if it is supported by the evidence.

7. Zoning and Planning—Ordinances—Validity

Appropriate inquiry for reviewing substantive due process claim that zoning ordinance provision is not a reasonable exercise of town's police power is whether claimants proved that the provision constitutes a restriction on property rights that is not rationally related to town's legitimate goals. RSA 674:16.

8. Zoning and Planning—Ordinances—Validity

Evidence supported finding that provision of zoning ordinance restricting internally lighted signs was rationally related to town's legitimate, aesthetic goals of preserving vistas, discouraging development that competes with the natural environment, and promoting the character of a "country community." RSA 674:16.

9. Zoning and Planning—Ordinances—Validity

Evidence supported finding that provision of zoning ordinance restricting internally lighted signs did not place oppressive burdens on private rights of affected businesses. RSA 674:16.

10. Costs—Recovery of Costs and Attorney Fees—Particular Case

Trial court properly denied award of costs and attorney's fees to plaintiffs who unsuccessfully challenged provision of zoning ordinance.

Counsel Charles H. Morang, of Concord, by brief and orally, for the plaintiffs, Michael Asselin, d/b/a Mario's Restaurant, and a., and for the defendant, Cardiff & Company.

Hastings Law Office, P.A., of Fryeburg, Maine (Peter G. Hastings on the brief and orally), for the Town of Conway.

Judges: Johnson, J. All concurred.

Opinion

Opinion by: JOHNSON

{137 N.H. 369} {628 A.2d 248} Michael Asselin, doing business as Mario's restaurant; Barlo Signs, Inc.; and Cardiff & Company (Cardiff) appeal from a judgment in Superior Court (O'Neil, J.) upholding the validity of the sign illumination provision of the Conway zoning ordinance, and denying their request for costs and attorney's fees. The trial court affirmed the decision of the zoning board of adjustment (ZBA) of the Town of Conway (the town) denying a permit application for an internally lit sign that Barlo Signs, Inc. leased to Asselin. In another matter consolidated for trial, the superior court issued a temporary injunction enforcing the ordinance's regulation of Cardiff's sign. We affirm because the provision is a reasonable zoning {137 N.H. 370} regulation, consistent with the due process requirements of the State Constitution.

Nestled in the Mount Washington Valley, Conway historically has been a tourist destination for activities in the White Mountain National Forest. Route 16 links the {628 A.2d 249} villages of Conway and North Conway and offers striking views of the mountains and ledges to the west. Substantial commercial development, primarily along this highway, has rendered part of the town a shoppers' Mecca. Hundreds of signs draw tourists in the day and evening hours to the shopping centers, lodging facilities, and restaurants clustered in the villages of Conway and North Conway and lining Route 16.

The town passed its first zoning ordinance in 1982, requiring all property owners, with certain exceptions, to obtain a permit from the town zoning officer before erecting a sign.

Since 1982, the ordinance has banned signs “illuminated from within,” but has allowed the use of signs illuminated by external lights.

Michael Asselin is a town resident who owned Mario’s restaurant on Route 16 in North Conway. In December 1988, Asselin acquired a permit to erect an externally lit sign. Barlo Signs, Inc. leased to Asselin a sign for Mario’s restaurant capable of internal illumination. The town notified Asselin that the sign’s internal lighting violated the zoning ordinance, and the ZBA denied him permission to use an internally lit sign. Asselin and Barlo Signs, Inc. (hereinafter the Asselin plaintiffs) appealed the ZBA’s decision pursuant to RSA 677:4 (1986). The trial court found the sign illumination provision valid and upheld the ZBA’s decision.

The trial court’s consideration of the Asselin plaintiffs’ claims was consolidated with the town’s petition for a temporary injunction against Cardiff. Cardiff owns the Indian Head Village Plaza shopping center on Route 16 in North Conway. In February 1990, the town issued Cardiff a permit to erect a sign described in the permit application as externally lit. The two faces of the sign are translucent, and lights in the sign’s supporting posts can shine against mirrored surfaces that reflect the light out through the sign faces. Cardiff was convicted in district court in June 1990 of five violations of the sign illumination provision but failed to file a timely appeal. The town petitioned the superior court to enjoin Cardiff from using the lights within the posts to illuminate the sign, and that action was consolidated with the Asselin plaintiffs’ action. Following a hearing on the merits, the trial court issued an injunction.

We first address Cardiff’s argument that the sign illumination provision of the town zoning ordinance is impermissibly vague. {137 N.H. 371} The regulation at issue provides: “Signs shall not be illuminated from within; signs may be illuminated only by external light.” Due process requires that an ordinance proscribing conduct “not be so vague as to fail to give a person of ordinary intelligence a reasonable opportunity to know what is prohibited.” *State v. Winslow*, 134 N.H. 398, 399, 593 A.2d 238, 240 (1991) (quotation omitted); see generally *E. Ziegler, Jr., Rathkopf’s The Law of Zoning and Planning* § 5.03{5}, at 5-35 to -37 (1991). Construing the terms of the provision according to their generally accepted usages, see *Winslow*, 134 N.H. at 400, 593 A.2d at 240, we reject the argument that it is impermissibly vague. A person of ordinary intelligence reading the ordinance could understand that it proscribes all methods of sign illumination that cast light from within the sign out through the faces of the sign. Cardiff’s sign, designed so that reflective surfaces inside the sign cast light out through the sign faces, plainly falls within the ordinance’s proscription. We hold that the sign illumination provision is not unconstitutionally vague.

We next consider whether the State zoning enabling act authorized the town to pass the sign illumination provision solely to promote aesthetic values, including preserving scenic vistas, discouraging development from competing with the natural environment, and promoting the character of a “country community.” The State zoning enabling act grants municipalities broad authority to pass zoning ordinances for the health, safety, morals, and general welfare of the community. See RSA 674:16, I (1986 & Supp. 1992); *Britton v. Town of Chester*, 134 N.H. 434, 441, 595 A.2d 492, 496 (1991); *Sanderson v. Town of Greenland*, 122 N.H. 1002, 1005, {628 A.2d 250} 453 A.2d 1285, 1287 (1982).

“The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy,

spacious as well as clean, well-balanced as well as carefully patrolled.” **Berman v. Parker**, 348 U.S. 26, 33 (1954) (citation omitted).

Consistent with this expansive view, we have held that towns may consider, at least among other factors, “aesthetic values, such as preserving rural charm,” when passing zoning regulations under State law. **Town of Chesterfield v. Brooks**, 126 N.H. 64, 69, 489 A.2d 600, 604 (1985); see also RSA 674:17, II 1986).

We now conclude that municipalities may validly exercise zoning power solely to advance aesthetic {137 N.H. 372} values, because the preservation or enhancement of the visual environment may promote the general welfare. See RSA 674:16, I: Opinion of the Justices, 103 N.H. 268, 270, 169 A.2d 762, 764 (1961). We hold that the town in this case has not exceeded its authority under RSA 674:16 by relying exclusively on the promotion of aesthetic values for its exercise of zoning power.

The next issue is whether the Conway sign illumination provision is a reasonable exercise of the town’s police power. See N.H. Const. pt. I, arts. 2, 12. The trial court found the provision valid after subjecting it to a level of scrutiny analogous to the “rational basis test” employed in certain equal protection cases. See generally P. Loughlin, 1 New Hampshire Municipal Practice, Land Use Planning and Zoning § 1:10, at 1-20 (1992). We will uphold the trial court’s decision if it is not erroneous as a matter of law, and if it is supported by the evidence. See Britton, 134 N.H. at 438, 595 A.2d at 494.

The trial court applied the proper level of scrutiny. We have applied heightened scrutiny in cases involving equal protection challenges to zoning ordinances that create classifications based on the ownership, use, or enjoyment of property. See, e.g., Asselin v. Town of Conway, 135 N.H. 576, 577, 607 A.2d 132, 133 (1992). The parties challenging the provision in this case argue that it unreasonably burdens “all” sign users and “many” manufacturers. The appropriate inquiry for reviewing this substantive due process claim is whether the claimants proved that the provision constitutes a restriction on property rights that is not rationally related to the town’s legitimate goals.

Given the presumption that zoning ordinances are valid, see Brooks, 126 N.H. at 68, 489 A.2d at 603, we consider whether the evidence supports the trial court’s decision upholding the provision.

The town passed the provision for legitimate purposes, including preserving scenic vistas, discouraging development from competing with the natural environment, and “promoting community character.” The community character sought to be promoted is that of a “country community...accustomed to having small hanging signs,” or a “business community that operated mostly during the daylight hours, not in the evening.” There is support for the trial court’s finding that “the natural appeal and general atmosphere of the area could well be negatively affected by the unregulated use of nighttime lighting.” It is reasonable to infer that the scenic vistas sought to be preserved by the town include the splendor of mountains at twilight {137 N.H. 373} and the brilliance of stars at night. Ronald Fleming, an expert witness experienced in planning for the preservation and enhancement of visual environments, testified that he had been invited to Conway in the early 1980’s by a group of business owners concerned with the deterioration of the area’s visual environment. Fleming testified that internally illuminated signs appear as “disconnected squares of light” at dusk and at night, and that the

“overall effect” of “an internally-lit sign is to create a visual block that is seen at some great distance sort of bobbing in the windshield,” while external lights “soften the impact” of signs in the darkness. The evidence supports a finding that {628 A.2d 251} the restriction on internally lighted signs is rationally related to the town’s legitimate, aesthetic goals of preserving vistas, discouraging development that competes with the natural environment, and promoting the character of a “country community.”

Furthermore, the evidence supports the finding that the provision does not place oppressive burdens on the private rights of affected businesses. We note that there is no merit to the position that the ordinance impairs the freedom of expression; the provision is merely a content-neutral restriction on one of the myriad ways in which outdoor messages may be conveyed at night. See *State v. Comley*, 130 N.H. 688, 691-92, 546 A.2d 1066, 1068 (1988); see also *Metromedia, Inc. v. San Diego*, 453 U.S. 490, 516 (1981). The provision allows every business owner to erect a sign that may be effectively illuminated. The evidence reflects that a number of manufacturers are capable of constructing signs fit for external lights, and that signs with external lights may be less expensive. We hold that the trial court did not err in finding the provision valid because it is a reasonable regulation consistent with the due process requirements of our Constitution.

Arguing that they have expended time and money challenging Conway’s sign ordinance, Cardiff and the Asselin plaintiffs petition for an award of costs and attorney’s fees. See, e.g., *Dugas v. Town of Conway*, 125 N.H. 175, 182-83, 480 A.2d 71, 76 (1984). We conclude that such an award would be improper. Cardiff and the Asselin plaintiffs have not prevailed in their due process challenge, nor have they shown that they suffered an especially onerous or substantial deprivation of the value of their property, that is, a taking. See *Funtown v. Town of Conway*, 127 N.H. 312, 318, 499 A.2d 1337, 1341 (1985). An expert for the parties challenging the ordinance testified that the manner of illumination does not affect the value of a sign. The record indicates that Cardiff and the Asselin plaintiffs have used {137 N.H. 374} external lights to illuminate their signs while this matter has been pending. Furthermore, there has been no allegation or suggestion that the town pursued its enforcement and defense of the ordinance in bad faith, or without plausible arguments. Therefore, we hold that the trial court properly denied an award of costs and fees.

We need not address whether the trial court erred in closing the first day of trial before Cardiff and the Asselin plaintiffs began recross-examination of a witness because no specific, contemporaneous objection to that decision appears in the record. See *LeFavor v. Ford*, 135 N.H. 311, 313, 604 A.2d 570, 572 (1992). In addition, we do not consider whether the doctrine of estoppel applies to prevent the town from enforcing the ordinance against Cardiff because this issue is not raised in the notice of appeal. See *id.*; Sup. Ct. R. 16(3)(b).

Affirmed.

Land Protection

Hollis has a long tradition of preserving lands. Presently our town has 5,375 acres of land protected against development (Attachment 1 & 4). This effort represents the work of many individuals, many town committees, and also the will of our citizens. The Conservation Commission has focused on preserving water resources, important agricultural soils, and greenways. The Land Protection Study Committee has focused on protecting lands to preserve the rural character and natural heritage of our town.

Our town is thankful to the many citizens who have sold their land to the town at markedly-reduced prices, or have donated their land outright.

The question now facing the town is, "Do we want to protect more lands and natural resources, and if so, how will we pay for them?"

A questionnaire to Hollis citizens conducted by the Strategic Planning Committee in 2006 sheds light on these questions (Attachment 2). Over 96% of respondents liked somewhat or very much the town's rural character. Seventy-five percent favored increased land protection for conservation, but only 25% favored increasing taxes to pay for it. Respondents expressed a strong desire to preserve natural resources. Still, just over 50% favored increased taxes to maintain or increase natural resource protection.

How can the town protect land with as few tax dollars as possible? Various strategies are outlined in Attachment 3 and include:

- Continue giving the Conservation Commission land-use change fees (current-use) to protect valuable lands.
- Consider acquiring land for "sequential-use": purchase strategically-located parcels in the near future, for town or school use in the more distant future, and in the meantime keep the land in its natural or agricultural state.
- Continue to protect parcels most desired by the town by using a combination of multiple funding sources, including grants, donations, while using as few tax dollars as possible.
- Encourage private groups to protect land by "conservation limited development." This method requires a highly devoted group of people to raise money, purchase a large tract of land, and develop a portion sufficient to pay for the entire tract. This method sounds straightforward, but requires an enormous amount of effort on the part of a highly-motivated and skilled group of private citizens.

Hollis's challenge for future land and natural resource protection is finding ways to accomplish these much-desired goals, with as little impact on taxes as possible.

Town of Hollis Protected Lands

History

Hollis has a long history of protecting lands from development, and many dedicated individuals residents have worked over many years to give Hollis its legacy of over 5,300 acres of land protected from development. Residents and town officials alike have recognized that keeping land in its rural state is an effective means of preserving the town's rural character and natural resources.

Land protection in Hollis began with two, well-respected residents and conservationists, Jeff Smith and Henry Hildreth. In 1964, with the help of Hollis Nichols, they began setting aside lands to create the Beaver Brook Association. They also helped form the town's Conservation Commission, which, in 1965, began acquiring land with the goals of protecting water resources, important agricultural soils, and greenways.

In 2000, Hollis became one of the first towns in the state to authorize the use of bonded funds to purchase conservation land. The Land Protection Study Committee was formed and charged to use of these funds to preserve the rural character and natural heritage of Hollis.

Hollis Protected Lands	Acres
Town-owned Lands	1,155
Town Forest Lands	556
Hollis Conservation Commission Lands	264
Subtotal - Town Protected Land Acreage	1,975
Beaver Brook Association	1,719
Society for the Protection of New Hampshire Forests	268
Nissitissit River Land Trust	70
Common Land/Homeowners Associations	510
State of New Hampshire - Brookdale conservation easements & Silver Lake S.P.	307
Merrimack Village District-Municipal well locations	30
Individuals-conservation easements	496
Pennichuck Water Works	1
Subtotal - Other Protected Land	3,400
Total Acreage Protected	5,375

2006 Community Survey

Results of Questions Regarding Land and Resource Protection

Conclusion

Hollis citizens expressed a strong desire to preserve the town's rural character and natural resources, but were reluctant to increase taxes for these purposes. The challenge for the future will be finding ways to accomplish these goals with as little impact on taxes as possible.

Questionnaire Results

Residents selected the town's rural character as what they liked most about living in Hollis.

Over 98% liked somewhat or very much the town's rural character. (Question 1)

The term rural character is difficult to define, having a different meaning for each person. The survey does reveal insight into two aspects of this term, land protection and natural resource preservation.

Land Protection

Three-quarters of residents favored increased land protection for conservation. But only one-quarter favored increasing taxes as a means of protecting land.

75% favored increased land protection, but 48.6 % favored land protection if no tax increase. (Question 15)

Natural Resource Preservation

Residents expressed a strong desire to preserve a broad spectrum of the town's natural resources. But only slightly over half favored increasing taxes to maintain or increase the preservation.

31.3 % favored increase taxes to maintain preservation, and 20.5 % favored increase taxes to increase preservation. (Question 14)

Ways Hollis Can Protect Land

Ways which require or may require tax dollars:

Fee Simple Land Purchase:

Negotiate a Purchase and Sale agreement with a seller and present for a vote at an annual town meeting. There are many variations on this theme, including conveying the land in stages, conveying with life tenancy agreement, or conveying at the time of one's death.

Easement Purchase:

There are certain rights which accompany ownership of land. One of these is the right to develop the land, restricted by state and town ordinances. The town can purchase from the owner certain of these rights, such as the "building rights." The owner continues to own the land, minus the rights he or she sold. The town receives a conservation easement and enforces its stipulations. There are variations on the theme, as described under the "fee simple purchase."

Bonds Authorized at a Town Meeting:

The town authorizes funds at the annual town meeting. When an appropriate parcel is found, the town can approve the purchase at an annual or a special town meeting. (This bonding process has been employed by the Hollis Land Protection Study Committee for most of the town's recent conservation purchases.)

Reducing or Excusing Property taxes In Exchange For Agreeing Not to Develop:

We are not sure this technique has actually been used, or if it is legal.)

Current Use:

A State-run program in which landowners apply for a property tax reduction to keep 10 or more acres of undeveloped land in its "current use." If the owner develops the land, the owner pays the town a "land-use change penalty" of 10% of the land value. (The Hollis Conservation Commission receives 50% of the land-use change penalty funds and purchases conservation lands with these funds.)

Ways which may reduce dependence upon tax dollars:

Grants:

An agent, government or non-government, gives the Town money because the land to be protected is special. Most grants require some matching funds, usually 50% or more. Thus, grants alone rarely cover the entire costs of protecting a parcel of land.

Neighbor Contributions:

The LPSC asks neighbors of land being protected to contribute more than their share of the increase in tax rate. The rationale: Neighbors benefit more from the protected land than the average citizens.

Town-wide appeal for funds:

An appeal, usually driven by a neighborhood group, raises donations to reduce the need for taxes.

Ways which require no tax dollars:

Gift to the Town:

A landowner may give land or an easement on land to the Town.

Personal Conservation Easement:

A landowner or trust may choose to protect land by placing it under a conservation easement. The landowner then must give the easement to another entity to hold and enforce.

Deed:

A land owner may place a deed upon his land, stipulating it not be developed. This deed will accompany the land when sold.

Land Mitigation:

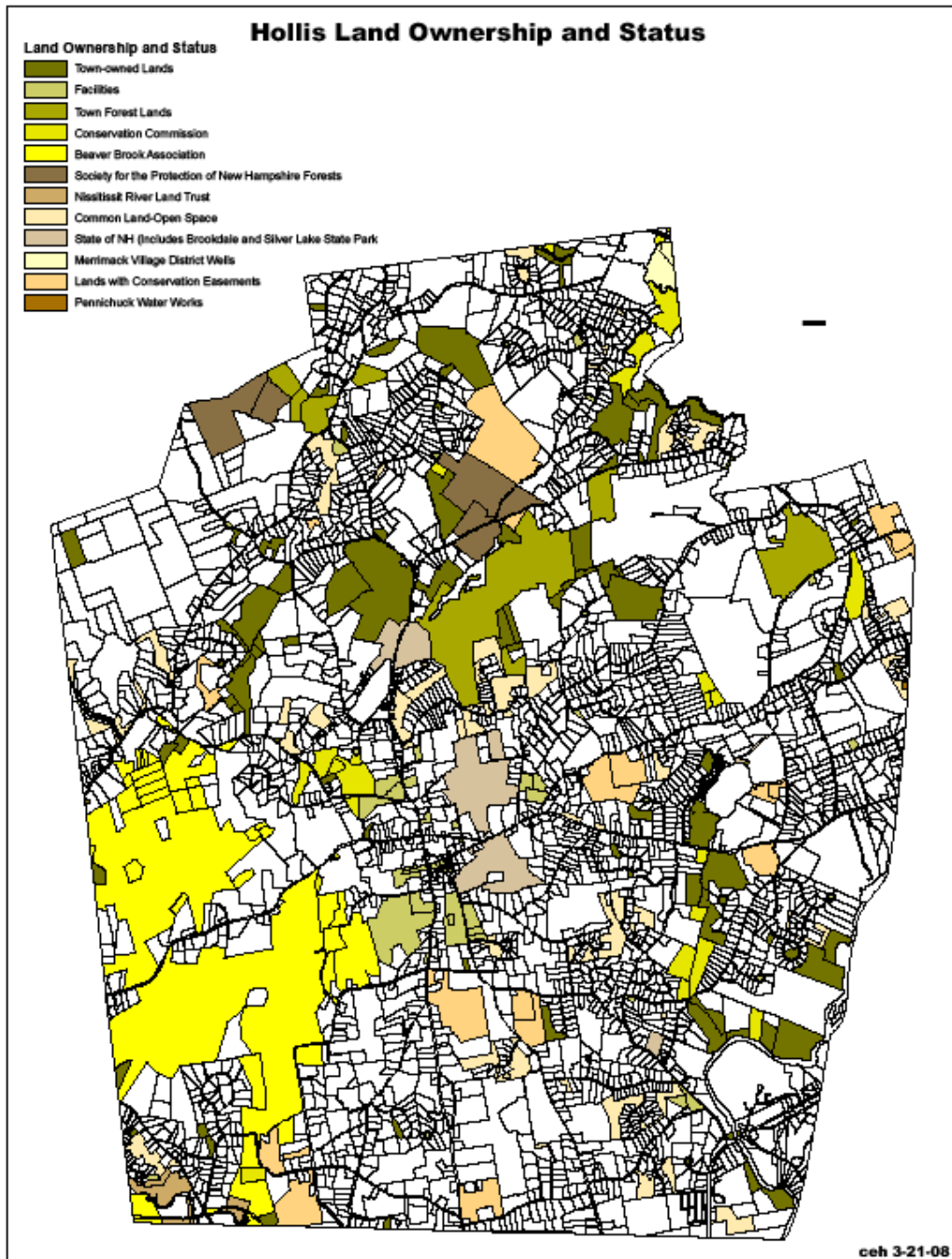
This is a federal program established to produce “no net loss” of wetlands due to development. For example, if it is necessary to fill in wet land, as with extending a runway for an airport, or siting a Wal-Mart, the lost wet land may be “mitigated.” This process involves turning dry land, preferably land suitable for development, into wet land and placing it under a conservation easement with a private entity. The ratio of dry land converted to wet may be one-to-one, or as high as 20-to-one. This very scenario may occur if the Nashua airport extends its runway.

“Limited Conservation Development”:

A private organization creates a plan for developing a portion of a seller’s land. The organization puts the plan out to developers for bid. Proceeds are used to protect the remaining land. (Lincoln and Groton Mass have used this method extensively to protect land in their towns.)

Combinations:

Hollis has funded land purchases using a combination of the above ways, according to the nature of the particular parcel and its owner’s desires.



Areas of Interest

Affordable Housing

Scope/Definition

The HSPC survey showed that a substantial majority of respondents opposed any affordable housing projects in Hollis, with the exception of a slight majority who were in favor of affordable housing projects for senior citizens.

Data provided by the Nashua Regional Planning Commission define the current and projected status of affordable housing in the Nashua region, concluding that the greatest need for affordable housing in the NRPC region is housing for renter households earning less than 80% of the Area Median Income for households.

Hollis Affordable Housing Now

The affordable housing situation in Hollis at this time is based on two definitions:

1. Affordable Housing: "Housing that is available to a household earning no more than 80% of the Area Median Income, at a cost that is no more than 30% of the household's total income."
2. Area Median Area Income for households: \$78,900/year for the towns in the Nashua, NH region. [in 2005]

Based on these definitions, and using 2006 data supplied by the Hollis Assessing Office, 11.3% of the current Housing stock is "affordable." Note that this data is for Owner Households only; it does not include Renter Households, for which there was too little Hollis data.

To date, the Town of Hollis has not subsidized affordable housing in any way. For example, the apartments in the Town Center that were built privately for people 55 years old and over and/or handicapped have rents supported by federal subsidy. There are no substantive Town infrastructure costs associated with these apartments or their residents.

Hollis Affordable Housing at Buildout

At buildout, there will be 60% more people in Hollis. If conditions continue in the future as they have in the past, there may or may not be affordable housing projects in Hollis, but if present, affordable housing will have little impact on Town expenses. The reasons are:

1. Town residents are largely opposed to subsidizing affordable housing in any way.
2. There is no State or Federal regulatory push for establishing affordable housing in Hollis that would require Town participation.

If conditions in the future change, either in the taxpayer level of support for affordable housing, or in the regulatory requirements for affordable housing, a different scenario might play out.

The Town should ensure that it does not prevent or exclude the possibility of affordable housing, either by design or by oversight. Specifically, the Town must continue to:

1. Provide reasonable and realistic opportunities for the siting of affordable housing within its boundaries.
2. Avoid exclusionary zoning.

Additionally, the Town should continue to “pay attention” to what is happening to housing in the Nashua region, because regulations will be constructed largely on what is happening in that region and not just in Hollis. For example, the most acute affordable housing issue in the region is the affordability of rental units.

Business and Commerce

Scope

The Business and Commerce Aol addresses all for-profit businesses within the Town of Hollis, and how these businesses may influence, or be influenced by, changes in Hollis during buildout. “For-profit businesses” within the Town of Hollis include retail, service, professional and industrial businesses, and many others such as agriculture, tree farming, farm stands, private recreation facilities, and home occupations.

Business and Commerce Today

The Zoning Ordinance of 2005 defines the types of businesses and their permitted locations within the Town of Hollis (Table A). All 10 of the zoning districts defined in the Ordinance allow some form of for-profit business, and eight of the ten zoning districts also allow some form of residential use (the implications of this overlap will be discussed below).

An overview of the current status of the Hollis business community is provided in Table B. Local businesses provide obvious benefits, such as employment opportunities and convenient access to needed goods and services. Other benefits are not as obvious, and review of Table B leads to the following discussion of two of these benefits to the Town of Hollis:

- Although for-profit businesses appear to provide only a modest contribution to the property tax base within Hollis (~5%), this can be misleading unless “tax efficiency” is considered. The results of two studies of the relative “tax efficiency” for various categories of land use are presented in Table C. Both studies determined that the revenue from the property taxes paid by commercial, industrial and agricultural businesses exceeds the cost of services required by those businesses, whereas the cost of services required by residential users exceeds their property tax revenues. For example, in the 2004 Pelham analysis cited in Table C, the NRPC determined that commercial/industrial businesses required only \$0.31 for every \$1.00 collected in property taxes. On the other hand, residential properties required \$1.04 in services for every \$1.00 collected in property taxes.
- Assuming that an equivalent situation exists in Hollis, and using an average of the tax efficiencies from the two studies, it can be argued that over 60% of the property taxes paid by Hollis businesses (more than \$700,000) were in excess of the cost of services required from the Town.
- The agricultural category of Hollis’s businesses occupies about 3,300 acres, comprising about 16% of the total land area within Hollis, and makes an important contribution to the “rural character” of the Town. This is an important statistic in light of the Hollis Community Survey of 2006, where 96% of the respondents selected “rural character” as what they like most about living in Hollis (this selection received the highest level of consensus amongst respondents for all choices on the survey). Fifty-seven percent of the respondents also cited “loss of rural character” as a factor that might influence them to leave Hollis.

Business and Commerce At Buildout

Business and Commerce can be an important factor in the future population growth of Hollis, as retention or growth of some for-profit businesses may offer more tax-efficient, large-scale alternatives to conversion of land for residential use. Obvious examples include agriculture (crop and tree farming), but could also include private recreation facilities such as golf courses or riding stables.

As noted above, the overlap of permitted uses under the Town of Hollis Zoning Ordinance of 2005 will place for-profit business and residential use in competition for land during buildout. The extent to which businesses will influence future land use depends upon a number of economic, legal and cultural factors, but it is likely that a significant amount of the acreage currently used for agricultural businesses will be converted to residential use during buildout.

Using data from the Nashua Regional Planning Commission¹, an analysis was made of the expected impact of buildout upon business and commerce in Hollis. A summary of this analysis is presented in Table D, and leads to the conclusion that there may be increases in the number of commercial and industrial businesses as the Town of Hollis grows to buildout. However, although almost 70% of the respondents to the 2006 Community Survey supported expansion of agricultural businesses, there will be a significant contraction (-47%) in the size of agriculture businesses, with over 1,500 acres of agricultural land converted to residential use.

This conversion from agricultural use to residential use will likely have a negative impact on two benefits (discussed above) that current agricultural businesses provide for the Town of Hollis: tax-efficiency and rural character.

1 - Region-Wide Buildout Impact Analysis; Nashua Regional Planning Commission; Oct. 24, 2005

Table A

**Permitted Business Uses by Zoning District
Town of Hollis Zoning Ordinance of 2005**

		ZONING DISTRICT									
		A&B	C	IN	MH-1	MH-2	R	R&A	RL	TC	WSC
gross land area	acres	174	10	151	149		1,206	13,901	4,335	499	233
	% of total	0.8%	0.0%	0.7%	0.7%		5.8%	67.3%	21.0%	2.4%	1.1%
for-profit business use											
	agricultural	P	P			P	P	P	P	P	
	tree farming										P
	sales or service businesses (L1)	P	P								
	sales or service businesses (L2)		P								
	mixed-use occupancy	P	P								
	building materials sales yard		E								
	sales and/or service of heavy vehicles, machinery or equipment		E								
	light industry (L3)			P							
	manufacturing (except for prohibited uses)			P							
	storage, wholesaling or warehousing			P							
	trucking terminals			P							
	utilities: essential services	P	P	P							
	mobile home parks				P	P					
	home occupations ¹	E			E	E	E	E	E	E	E
	day care centers		P			E		E	E		
	nursery schools									E	
	sale of products raised, produced or processed on premises					P	P	P	P	P	
	stables					P		P	P	P	
	recreational facilities, privately owned (L4)					E	E	E	E	E	E
	farm stands					E		E			
residential (single/multi-family, or mobile)		P			P	P	P	P	P	P	P

P permitted use

E use permitted by exception

A&B Agricultural and Business Zone

C Commercial Zone

IN Industrial Zone

MH-1 Mobile Home-1 Zone

MH-2 Mobile Home-2 Zone

R Recreational Zone

R&A Residential and Agricultural Zone

RL Rural Lands Zone

TC Town Center Zone

WSC Water Supply Conservation Zone

note 1: description of types of and conditions for permitted home occupations provided on pgs 18 & 19 of 2005 Hollis Zoning Ordinance

Table B

Overview: Business and Commerce in the Town of Hollis Today

	category			
	commercial	industrial	agricultural	residential
number of businesses ¹	109	19	n/a	-
land utilized (acres) ²	576	177	3,308	7,993
total assessed value - \$ ²	39,464,266	11,303,484	3,758,983	1,013,127,900
total property taxes - \$ ²	901,364	258,172	85,855	22,108,527

notes:

- 1 commercial and industrial category values estimated from 2007 property tax rolls plus visual census; excludes home occupations; not available for agricultural category
- 2 from 2007 property tax rolls and NRPC/GIS database

Table C

**Tax-Efficiency by Type of Land Use:
Ratio of Cost of Community Services to Tax Revenues**

source	type of land use			
	residential	commercial/ industrial	agricultural/ current use	conservation/ non-taxable
Town of Pelham Buildout Analysis 2004 ¹	1.04:1	0.31:1	0.28:1	0.40:1
Does Open Space Pay? ²	1.11:1	0.45:1	0.37:1	

notes:

- 1 Town of Pelham Buildout Analysis; NRPC; June 2004
- 2 Phillip A. Auger; UNH Cooperative Extension; 1996

Table D

Expected Impact of Buildout on Business and Commerce in the Town of Hollis

	business category					
	commercial		industrial		agricultural	
	number of businesses ¹	acreage utilized ²	number of businesses ¹	acreage utilized ²	number of businesses ¹	acreage utilized ²
hollis today	109	576	19	177	n.a.	3308
hollis at buildout³	122	647	27	248	n.a.	1794
change	#	13	71	8	71	n.a.
	%	12%	12%	40%	40%	n.a.
		-1514				-46%

notes:

- 1 commercial and industrial category values estimated from 2007 property tax rolls plus visual census; excludes home occupations; not available for agricultural category
- 2 from 2007 property tax rolls
- 3 commercial and industrial category values estimated using growth projections from "Region-Wide Buildout Impact Analysis"; NRPC; Oct. 24, 2005; agricultural category values estimated from NRPC/GIS database and 2007 tax rolls

Communications and Utilities

The Town of Hollis enjoys a good infrastructure for telecommunications and cable television access. The telephone company with land line positions, TDS Telecom, now provides high-speed internet access through DSL technology. Charter Communications is the cable internet, HDTV, television and local channel access. Many citizens have opted to utilize satellite transmission services for both audio and broadcast intake via providers such as DishTV and XM or Sirius Satellite radio broadcast services.

There are some challenges regarding adequate coverage of the cellular footprint for town residents that will need to be addressed in the near future. Some geographic spots of the town have essentially no cellular coverage which presents some issues regarding potential negative impacts to property valuations for residents. The Town may wish to consider erecting appropriately discreet cell repeater stations or towers on town land to reduce or eliminate "dead zones" for public welfare and safety reasons.

Community Facilities

Hollis Town Facilities include the following:

- Emergency Services: Police, Fire, Ambulance, Communication Center, and Disaster Preparedness
- Department of Public Works: Solid Waste and Recycling, Road Maintenance Facilities
- Town Offices: Clerk, tax collector, planning, building inspector, health and welfare, town management, animal control
- Other Facilities: Lawrence Barn, Farley Building, Ever Ready Engine House, Cemeteries, Woodmont West Orchards / Hearse House (East Cemetery)

As the town population grows, the demand for town services and the facilities necessary to provide those services will grow. In 2002, the Town of Hollis, with the assistance of the Nashua Regional Planning Commission, prepared a Facilities Space Needs Study Report addressing the anticipated town facility space needs at the time of buildout. This report is based upon the recommendations specified in that report and the recommendations of the heads of the town departments that are included in the report.

Police Department

There are currently 12 full-time staff at the police department, including eight full-time patrolmen. The United States Department of Justice recommends that there be 2.3 police officers per 1,000 population. At buildout, it is anticipated that there will be a need for 22-25 police staff; including two lieutenants, four sergeants, four detectives, and two secretaries.

The current police facility is 10,650 square feet. At the time of buildout, additional space needs are estimated to be:

(1) Lieutenant's Office	215 sq.ft.
(2)Sergeant's Offices	350 sq.ft.
(1)Detective's Office	175 sq.ft.
(1)Secretary's Office	215 sq.ft.
Additional File Space	200 sq.ft.
Conference Room	200 sq.ft.
Expand Squad Room	300 sq.ft.
<u>Expand Locker Rooms</u>	<u>300 sq.ft.</u>
APPROXIMATE NEEDED	2,000 sq.ft.

Potential renovations to existing facility space to meet the demands noted above include:

- Turn existing Gym into office space (775 sq.ft. renovation)
- Turn existing Roll Call into Squad Room + expanded locker space for men (500 sq.ft. Renovation)
- Turn existing Squad Room into Interview Room (190 sq.ft. renovation)
- Turn existing Interview Room into expanded locker space for women (110 sq.ft. renovation)

Fire and Rescue

The current staff for the fire/rescue department includes seven full time and 35 part-time staff. This includes two administrative positions. It is anticipated that within the next five years a staff including five crew members per shift for 24 hours a day will be needed. It is estimated that at buildout, 11 crew members per shift for 24 hours a day will be needed. The number of response calls and the type of calls would determine the timing for staff increases. Medical calls and public assistance calls have increased as the town population ages. The current response time is five minutes.

The current fire/rescue facility is 11,492 square feet. It is estimated that an addition of one bay (2,400 sq.ft.) for an additional response vehicle may be necessary at buildout. The number of response calls received and the type of calls would determine the timing for an additional bay. It is anticipated that the additional bay would be needed in approximately 10 years.

At buildout, the town may need two substations, each housing an engine and an ambulance (2,560 sq.ft.) per substation. Each substation would need sleeping/living space for a minimum crew of seven. The need for a substation would be determined by response time to emergencies. Factors influencing response time include traffic patterns and density. The timing is also contingent upon possible development of large tracts of land and increased senior housing. If substation(s) were to be built, the additional bay at the main station would not be necessary.

Department of Public Works

The current staff includes 12 full time and two part-time workers. The DPW is currently adding one staff person every three to four years. Additional staff need is based upon demand for services and the roadways to be maintained. The work schedule for road plowing is based upon a three-hour time period. If plowing time were increased to four hours, an additional driver would be needed. It is anticipated that a staff of 19 or 20 would be needed at buildout. If DPW staff were used to plow sidewalks and/or mow cemetery or recreation fields, additional employees would be necessary.

The current DPW Operations Building is 6,319 sq.ft. It is estimated that it would be necessary to expand the operations facility in approximately 10 years to 8,837 sq.ft. The timing for expansion would be determined by the demand for services and the types of services needed. Currently there are no quarters for staff to sleep. Staff may come in on a Friday morning and not leave until Sunday due to plowing demands. At this time, they are using sleeping bags and air mattresses. No showers are currently available for staff.

Additional equipment to be housed in the expanded facility may include a loader, one or two more trucks, a sidewalk plow and a lawnmower.

Transfer Station: Currently the transfer station and “stump” dump are adequate to meet town needs at buildout. However, the Department of Environmental Services may initiate changes in state guidelines that would necessitate additional requirements for the town. An example of this is that State guidelines for facilities treating demolitions have changed regarding sheet rock (no longer usable as a byproduct at landfills).

Town Hall/Town Officers

The Town Hall offices are currently crowded and staffing is not at the level recommended by the 2002 Town of Hollis Facilities Space Needs Study. The study recommended 17 staff positions by 2005 and a total of 18 at buildout. There are currently 14 staff positions. Increased staff positions might include a secretary in charge of scheduling and maintaining the town website, a full-time Town Clerk, a Town Manager, an Office Manager and Human Resources person, a full-time Assessor, and a full-time Planner.

The Lower Town Hall is used for the Selectmen’s Office and Reception, Assessing, Building/Code Enforcement, Health, Finance, Information Technology, Planning and Tax Collector Departments. It includes a community room and meeting room. The Upper Town Hall has limited accessibility and is used as an assembly hall and stage. The basement is used for storage, boiler equipment and an unfinished office for one custodial employee. The Town Clerk’s office is not located at the Town Hall. The town is currently leasing space at \$12,000 per year plus utilities for this office.

Library

In 2002, the Board of Trustees of the Hollis Social Library instituted a Long Range Planning Committee to develop goals for the future of the library. A library space needs projection was developed based upon assistance by the New Hampshire State Library, site visits to other libraries, and meetings with Hollis residents.

The Hollis Library is currently staffed by two full-time and seven part-time employees, for a full time equivalent (FTE) of 3.75 employees. The total library circulation was 89,013 in 2005. That number reflects a 117% increase over the circulation number in 1995. Based upon the projections developed by the Library Long Range Planning Committee, the 2002 Facilities Space Needs Study showed a projected increase in library staff to eight FTE employees in 2005 and an increase at buildout to 15 FTE employees. The library currently has 5,434 sq.ft. of floor area. It is estimated that the floor area needed at buildout would be 16,037 sq.ft..

Additional Town Facilities

Repairs and maintenance for the Ever Ready Engine house, town cemeteries, Woodmont West Orchards facility, and Hearse House (East Cemetery) can be addressed as annual budgetary items for the town.

The Lawrence Barn is a new facility for the Town of Hollis and may be an option for meeting space. The Farley Building is a historic town building. How the building will be used and what costs would be associated with the use of the building are issues that have not yet been determined by the Town.

Drinking Water

Scope and Definitions

When people learn about where Hollis drinking water comes from, they quickly understand surface water and how it percolates into the ground from which they pump their water, and they tend to understand simple, dug wells. When they begin to discuss ground water they begin to discuss aquifers, and tend to lump bedrock and stratified drift aquifers together, rather than distinguish them as two distinct sources of water in the ground.

The ground water resources from which Hollis drinking water comes are simple dug wells, bedrock aquifers, which are sources of water in the fractures within bedrock, and stratified drift aquifers, which are sources of water within the layers of sand, gravel, and glacial till left between and over the area's bedrock at the last glacial recession.

The aquifers, the hydrologic cycle, and surface waters provide us with our drinking water. They are our water resources. State and Federal laws prevent and/or limit Town activities for either controlling or using drinking water or other water resources. State laws, particularly, limit activities of water users to certain "riparian rights." All other water uses are controlled by the State, which holds water in "public trust" and establishes permissions and uses through diverse State agencies [principally Department of Environmental Services (NHDES)].

In the 2006 Community Survey, almost 90% of the respondents considered it fairly to extremely important to preserve the town's aquifers, and over 45% believe that growth and development has a somewhat to very negative impact on water quality. Over 35% cited "decline in water quality" as a factor that might influence them to leave Hollis.

Current Drinking Water Resources

People and businesses in Hollis almost exclusively get their drinking water from either dug wells or drilled wells. Exceptions include: a small piped water system, owned by and serving the Hollis Schools (except the High School) and some buildings and homes in the center of town; a small private water system serving a few Flint Pond residences; and an extension of Pennichuck Water Works (from Nashua) serving a condominium development in southeast Hollis (Railroad Square). Our drinking water comes from where we get our water for all other uses.

Drinking water is our most valuable resource. Many laws, rules, and ordinances help control its use and protect its quality. Currently, Hollis has some of the best local water protection laws in the state. However, the amount of drinking water available to us is unknown. With much effort, we might be able to estimate how much drinking water we are taking from our aquifers and surface water resources, for example by attaching monitoring meters to all water extractors (pumps in homes and businesses, etc). But we do not have at this time the tools that would let us determine the size of the aquifers or their recharge rates, and we have only rough estimates for how other elements of the hydrologic cycle contribute to available water. Thus, we cannot meaningfully discuss

topics such as the “sustained yield” of our drinking water supply or whether or not we are accumulating or running out of drinking water.

Drinking Water Resources at Buildout

If we continue as we have, residential and business drinking water will continue to come from on-site wells that are drilled on the owner's property at the owner's expense. There will be no direct costs to the Town, unless the Town is the owner and providing for increased public uses, such as the public school systems and Town facilities. Other Town costs will come from additional promotion and enforcement of rules, regulations and ordinances. If population is to increase by 60% to buildout, a 60% increase in all these costs can be expected.

As we grow, however, the wildcard remains: we do not know the quantity of drinking water available for use. Any loss of the drinking water supply, either from its overuse or degradation, will be problematic.

Recommendations

The Town can and should pursue these activities:

1. Continuing and enhancing the Hollis Planning Board's Ground Water Chemical Quality Study, a volunteer program.
2. Encourage homeowners to conduct regular water testing (at least every five years is recommended by NHDES).
3. Improving and then enforcing current water resource protection ordinances and regulations. For example, new wells should be registered with NHDES.
4. Participating in regional and State water quality initiatives and studies.
5. Publicizing ways to protect our drinking water from conditions that would harm or degrade it.
6. Continue to evaluate whether or not to join the Pennichuck Water District, which may provide a regional approach (and hopefully an improved approach) to managing and protecting our water supplies.

Elderly Services

Summary

It is estimated that there are in excess of 580 senior citizens over the age of 65 in Hollis, and this number is expected to increase to more than double by 2020. This growth of seniors in Hollis can be attributed to a number of reasons, such as, “baby boomers” reaching retirement age. Thus, planning for elderly services needs to start now, not in the future.

Major Issues

1. Transportation for Seniors
2. Housing for Seniors
3. Senior services

1. Public transportation for seniors is a regional issue and most likely cannot be solved satisfactorily by the town of Hollis. Unless the town decides to provide transportation on an occasional basis by an individual already on the town payroll, using a town vehicle already in the fleet of town-owned vehicles, the issue of transportation is too large and too expensive to be considered on a scheduled basis.

2. Senior housing is a private enterprise issue. Recent relaxation of town ordinances have attempted to provide for more senior housing but what started out to be affordable housing has ended up as high-end condominiums not within the reach of the average senior citizen.

3. Senior Services is the area of most need where the Town of Hollis is able to meet the needs of the growing senior population at minimal cost. The Lawrence Barn Community Center is currently being used as an interim Senior Center and is an excellent first step.

Conclusion

The senior population in Hollis will continue to grow, probably at a rate faster than the growth rate of Hollis

Consideration

Incorporate the influx of senior issues into the Hollis Master Plan.

Governance

Scope

Governance is the act, process or power of governing. Distinguished from the administration of policy, the governing authority controls policy used by government to assure a straight or smooth operation for the good of the individual and community as a whole.

Hollis Town Governance Today

Hollis's town governance begins with its voters (Chart I), which act as a legislative body at Annual Town Meetings and elections to approve policies and budgets that affect the community at large.⁽³⁾ The Town's elected officials - Board of Selectmen, Budget Committees and School Boards - are selected by the voters for staggered terms or annual terms. They serve the community according to State statutes (RSAs) established by the New Hampshire House, Senate and state administrative agencies.⁽³⁾ The legislature grants authority to the town through the New Hampshire Constitution to act under the law to carry out any and all official actions.⁽⁴⁾ In addition to elected officials, a significant portion of Hollis's governance is made up of many appointed commissions, boards and committees, many of which depend upon strong volunteerism (155 citizens this year) in their composition and performance of duties (Chart I).

Hollis also has a Hollis Master Plan, which is used to assess the values expressed by the citizenry for aspects of its physical, educational and cultural heritage. This detailed plan is frequently reviewed by governance in consideration of and recommendations for revising existing or creating new ordinances or laws. Ordinances must be officially adopted by the voters for use in deliberations and decision making by all the town officials and boards. The Board of Selectmen enforces these ordinances and regulations, and may also by state statute create ordinances on its own that support their various state-defined responsibilities such as the regulation of roads.⁽⁴⁾

The duty of the Board of Selectmen, as the town's highest governing agents, is established by the State to "manage the prudential affairs of the town."⁽³⁾ This board serves as the executive, managerial and administrative body to enact the policies and budgets approved by the voters at town meetings (Chart II). At times, the Selectmen may call emergency special town meetings to resolve an important issue involving expenditures not approved by the voters. Although the state legislature must approve such a meeting,⁽⁴⁾ there are lawful exceptions, such as when land protection bonds have been ratified by the voters at the ATM and a later meeting is needed in the same year to consider specific land protection expenditures. Growth in population over the years and in the many responsibilities the Selectmen share resulted in voter expansion of the Board of Selectmen from three to five persons and the creation of a Town Administrator position.

The Board of Selectmen appoint members to the Hollis Planning Board, Zoning Board of Adjustment and Conservation Commission, but their duties are assigned by

state law, and as such, these groups are not subject to the direct supervision of the selectmen in performing those duties.⁽³⁾ The Selectmen do, however, select individual selectmen from their own board to attend meetings of many of the appointed groups as non-voting advisors and liaisons. These three groups attempt to achieve balance in the Town's land use and development issues, and state law and local ordinances are the key components to the deliberations and decisions. The Planning Board is charged with various responsibilities including making recommendations to the voters for updating the Master Plan, adopting subdivision and site review regulations, road standards and the like, in accordance with the Town's zoning regulation and building code ordinances. This board works with citizen applicants to determine if and how their proposals for land use changes do or do not comply with town ordinances. When an application is denied, the holder may appeal to the Zoning Board of Adjustment. This board's role is to review such applications from the terms of the ordinance(s) involved, and consider special exceptions based on the provisions of the ordinance with board consideration of the constitutional right to enjoy one's property.^(3&4) Unlike the Planning Board and Zoning Board of Adjustment, the Conservation Commission is not a land use board in that it does not have authority to enact or enforce land use regulations. This commission's mission as established by the state is "the proper utilization and protection of the natural resources and ... the protection of watershed resources ...of the town."⁽³⁾ It works toward this mission in a myriad of ways, and makes recommendations to the Selectmen as to protection, development or better utilization of marshlands, swamps and other wetlands.

The many remaining town commissions, boards, and committees (Chart I) carry out their duties under the supervision of the Selectmen, reporting through recorded Minutes and discussion at Board of Selectmen meetings, as well as Board liaisons. In Hollis, these groups also receive immeasurable support from the Town Hall staff for their deliberations. All those involved in local governance are required according to state statute to assure open government, observe the Right to Know Laws and public access to the actions, discussions and records of all their activities.^(3&4) The Hollis Annual Report contains end of year reports from all the volunteer appointed groups.⁽¹⁾

Hollis Governance at Buildout:

As Hollis grows, the complexities of governance and management of the town will increase proportionately, and the citizens of Hollis will need to choose which form of governance best fits the needs of their community at buildout. Chart III summarizes the forms of government that are available as established by the state. Similar towns geographically nearby with current populations about 12,000 (Hollis's projected size at buildout) have chosen to maintain a "selectmen/ATM" form of governance such as Hollis has today, with a board of selectmen of five and a Town Administrator to oversee an increased staff and more specialized departments.^(2&7) This "minimalist" form of governance, with its inherent lower costs, has been possible because citizen participation and volunteerism in governance has remained high in these communities. Other forms of governance outlined in Chart III require lower levels of citizen participation and volunteerism, but yield direct control of budgets and ordinances to elected agents and professional administrators, and are more expensive to operate.

Low participation by the Hollis citizens at Annual Town Meetings has been a concern, and how to draw a greater percentage of the town population into the voting process has been an ongoing challenge (Chart IV). This has resulted in consideration (by citizen petition and voter non-passage at the annual elections in 2007⁽⁵⁾) of New Hampshire's official ballot referendum form of government, Senate Bill 2 (SB2). Some towns in New Hampshire have changed to this two-part ATM format, which separates the deliberative sessions from an official ballot voting day on warrant articles and the entire budget.^(4&8) The primary argument for SB2 is that more people will turn out for the voting session, which can be scheduled at a more convenient time for more voters. The primary argument against SB2 is that fewer people will participate in the deliberative process, and yet control setting line item monetary amounts and budget total to be voted on at the polls, potentially by many uninformed citizens. Also, under SB2, if the annual budget is not approved, the previous year's budget continues by default.^(4&8)

What the future holds for Hollis governance is unknown. Evaluation of SB2 and other possible forms of local governance (Chart III), in which voters retain or relinquish direct control of annual budgets and decisions of local law, will depend upon the townspeople's future desire to participate in and minimize the cost of their own governance. If the citizens desire to maintain the existing minimalist form of government, they will need to be proactive in the maintenance or even increased citizen participation at the ATM and in volunteerism.

References

- (1) Annual Report for 2006, Town of Hollis, NH, pp. 90-119.
- (2) www.nhlgc.org/LGCWebSite/PDFDocuments/WSBS/ElectedAppointed.pdf, Elected & Appointed Administrative Officials-Part A, 2006, Wage, Salary and Benefits Survey, pg.15.
- (3) Knowing the Territory, A Survey of Municipal Law for New Hampshire Local Officials, New Hampshire Local Government Center, 2006, pp. 15-58.
- (4) Knowing the Territory, A Survey of Municipal Law for New Hampshire Local Officials, New Hampshire Local Government Center, 2007, pp. 30-31, 33-37, 43-52, 62-63 & 119-124.
- (5) Official Ballot 2007 Hollis, NH, Hollis Town Clerk's Office.
- (6) www.nhgov/municipal/index.html, link Boards.
- (7) www.nh.aov/oep/programs/DataCenter/Population/documents/pubO6.pdf, New Hampshire Office of Emergency Planning.
- (8) www.nhpolicy.org/sb2at5.pdf, Senate Bill 2, New Hampshire Center for Public Policy, Minard Jr., Richard A. SB2 at 5, Bonds, Ballots, and the 'Deliberative Session, March 2002, pp. 5 & 6.

Chart I

Elected and Appointed Positions in Hollis Town Government

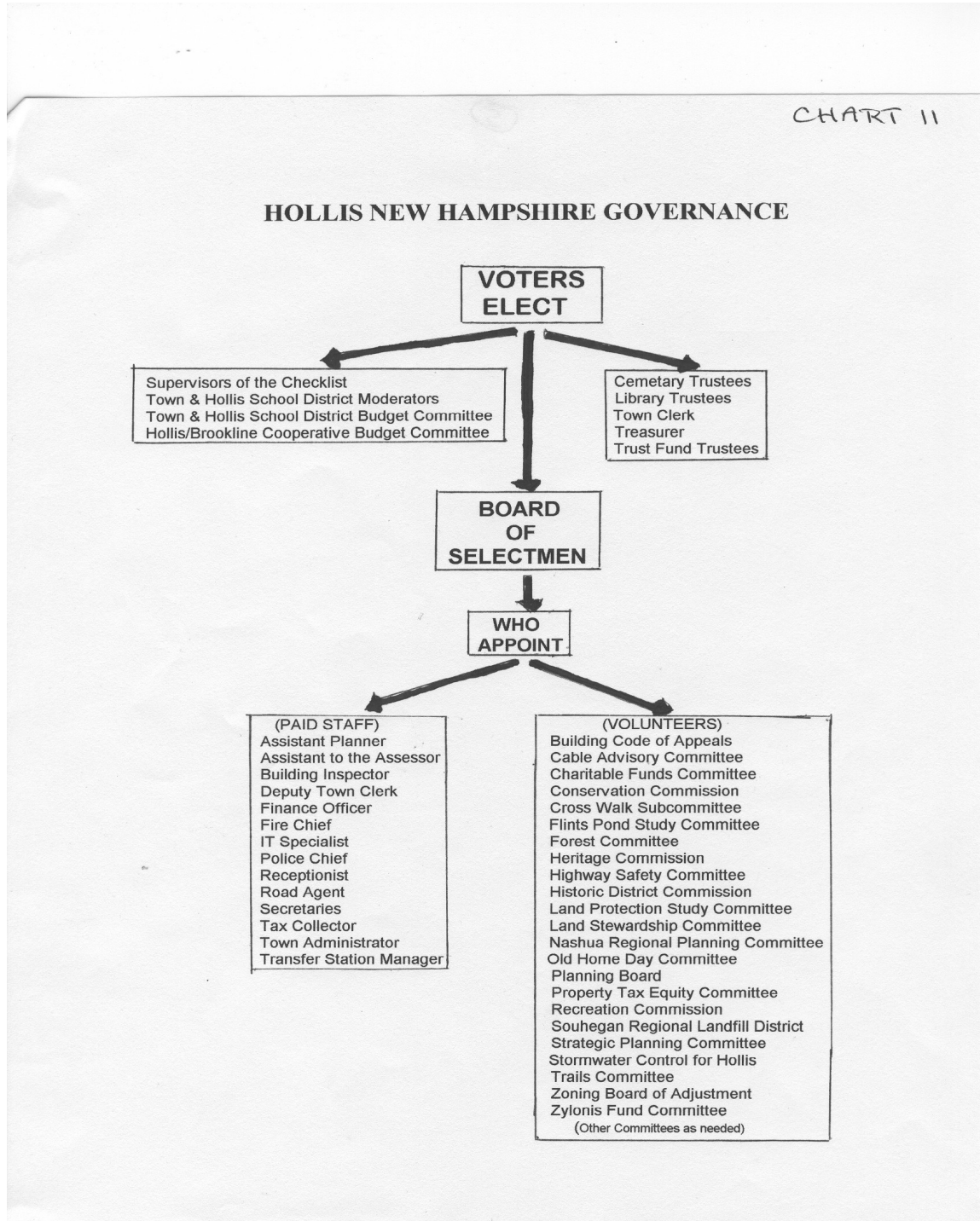


Chart II

Executive, Administrative, Managerial and Administrative Bodies - Town of Hollis

CHART I

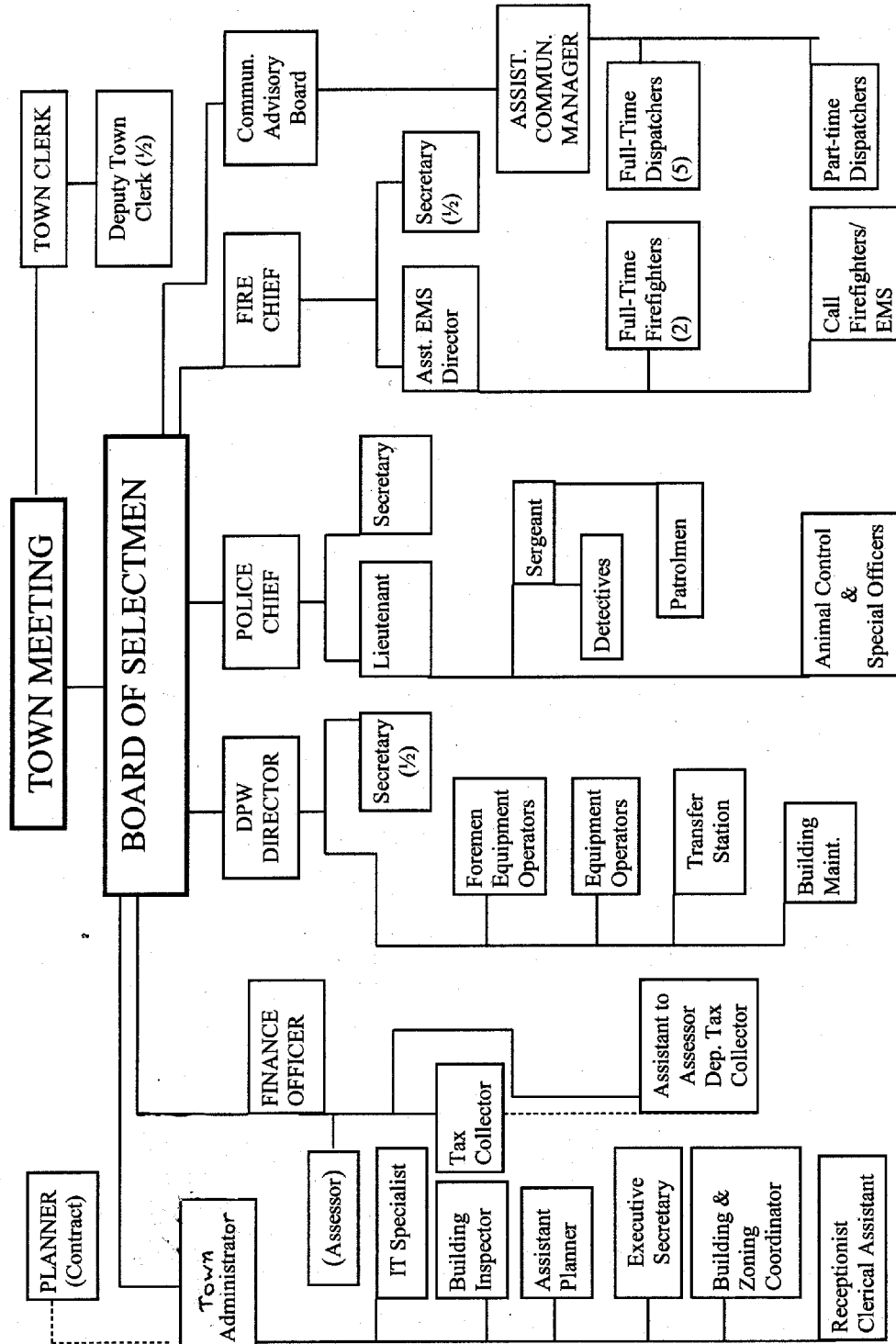


Chart III

**Various Forms of Governance for New Hampshire Towns and Cities:
Who Controls Budgets and Ordinances?**

Form of Governance	Who Controls?		
	Town/City Budget	School Budget	Bylaws/Ordinances
Town: selectmen/ATM	residents (ATM)	residents (ASDM)	residents (ATM)/BoS
Town: selectmen/SB2 ATM	residents (ATM)	residents (ASDM)	residents (ATM)/BoS
Charter Town: council/mgr/ATM	residents (ATM)	residents (ASDM)	town council
Charter Town: council/mgr	town council	residents (ASDM)	town council
City: council/manager	city council	city council	city council
City: mayor/aldermen	aldermen	aldermen or DSB	aldermen

ATM – Annual Town Meeting

ASDM – Annual School District Meeting

BoS – Board of Selectmen

SB2 – Senate Bill #2 Official Ballot Referendum

DSB – District School Board

Chart IV

Citizen Participation in Hollis Town Government

calendar year # registered voters	2005 5,161		2006 5,023	
	participants	rate - %	participants	rate - %
municipal elections	1,447	28.0%	1,085	21.6%
annual town meeting ¹	880	17.1%	556	11.1%
hollis school meeting ¹	47	0.9%	50	1.0%
coop school meeting ¹	na	na	83	1.7%

1 - multiple sessions occurred for some meetings; when this occurred,
number of participants for most-highly attended session were used

Historic Resources

Scope

Historic Resources, which contribute to the town's rural character, are defined by New Hampshire RSAs pertaining to Heritage or Historic District Commissions. They include two major categories:

1. real estate: historic buildings and sites, and scenic roads;
2. records: maps, documents, and oral history.

The scope of the Historic Resources Area of Interest is to document the historic resources that exist in Hollis today, and to evaluate which of these resources might be endangered by the predicted growth of the Town.

Historic Resources in Hollis Today

The variety of Hollis's historic resources is documented on the Windows on Hollis Past website (www.hollis.nh.us/windowsonhollispast), and 257 historic sites and buildings (circa 1740-1850) that were documented in 1999 - 2002 are displayed in Figure 1.

In the 2006 Community Survey, over 75% of the respondents thought that it was extremely to fairly important to preserve historical documents and sites, and more than 50% thought that it was extremely to fairly important to preserve town and privately-owned historical buildings.

Hollis's farm buildings, unlike modern city/suburban buildings, are simple and unornamented. Change by disintegration, renovation, demolition, or crowding by subdivision can be controlled only if owned by the Town or regulated by the Historic District Commission, Planning Board or Zoning Board (though currently there are no demolition regulations).

Some oral history has been collected, and more could be. Town documents, old maps, photos and oral history should be preserved rather than just conserved. Currently, Town-owned documents are in jeopardy from acid or fire damage as the Town has no appropriate archival storage facilities, such as a sizable vault or established area in a town-owned building with temperature and humidity control.

Historic Resources at Buildout

Land and historic buildings could be maintained and conserved. This is most easily done with Town-owned lands and buildings. However, since land available for development is privately owned, the loss of much of the Town's viewsapes, old farm buildings, trees and scenic roads, which make up our rural character, may be inevitable unless the Town takes actions to deter this (e.g., purchase more land for conservation, or further regulate development).

Of the historic sites displayed in Figure 1, 73 are on parcels that are developable (Fig. 2). Thirty-seven of those parcels are large enough to be subdivided, and many are also adjacent to acreage which could be subdivided. Some historic buildings documented in 1999 have since been developed or demolished (e.g., Hills barn, Worcester hophouse, Lawrence Barn site, Nevins Homestead, and sledding hill, Dow Road sledding and Woods field view).

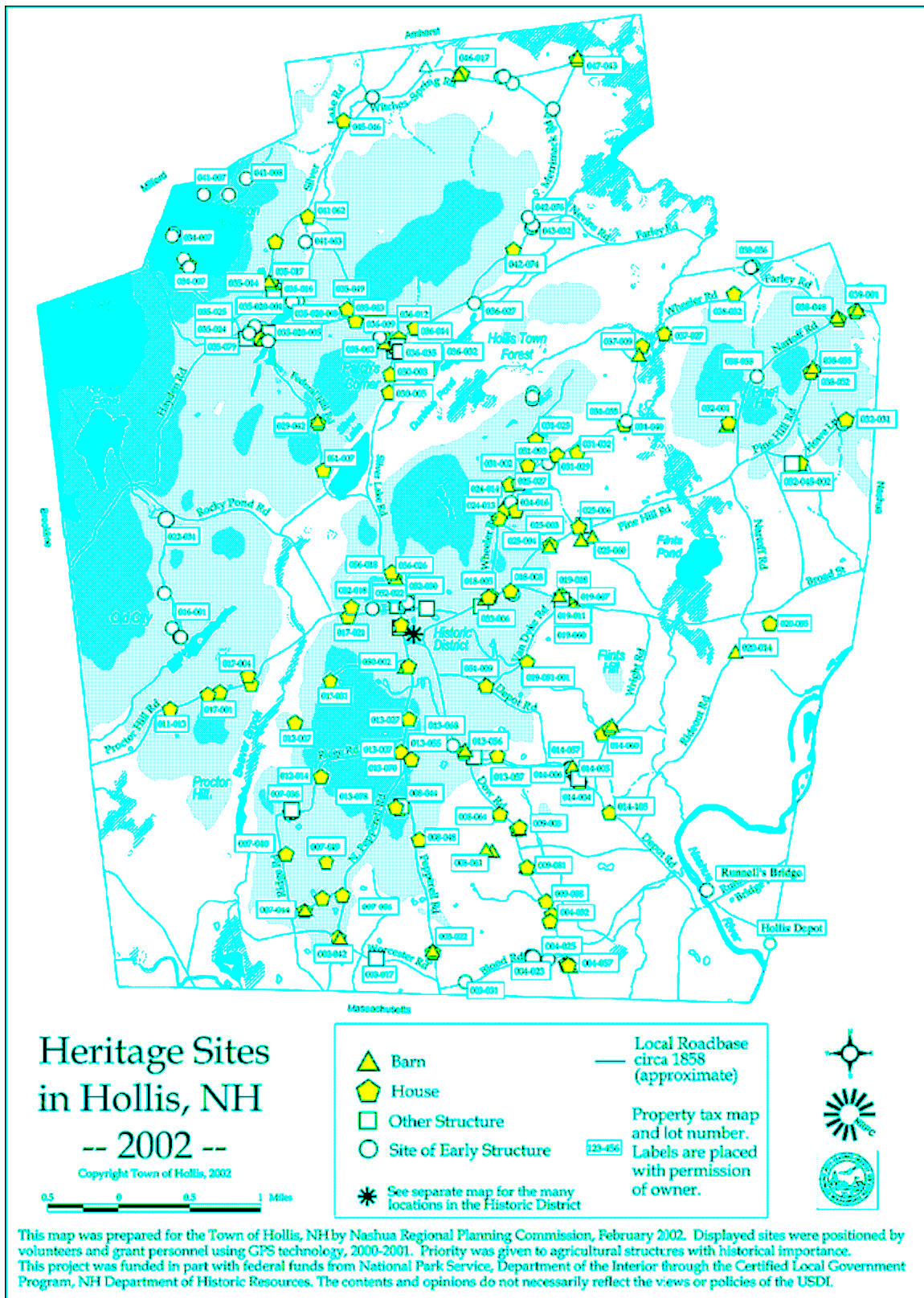


Figure 1. Historic sites and buildings in Hollis as documented in 1999. Only those privately-owned sites that were granted permission to display are shown.

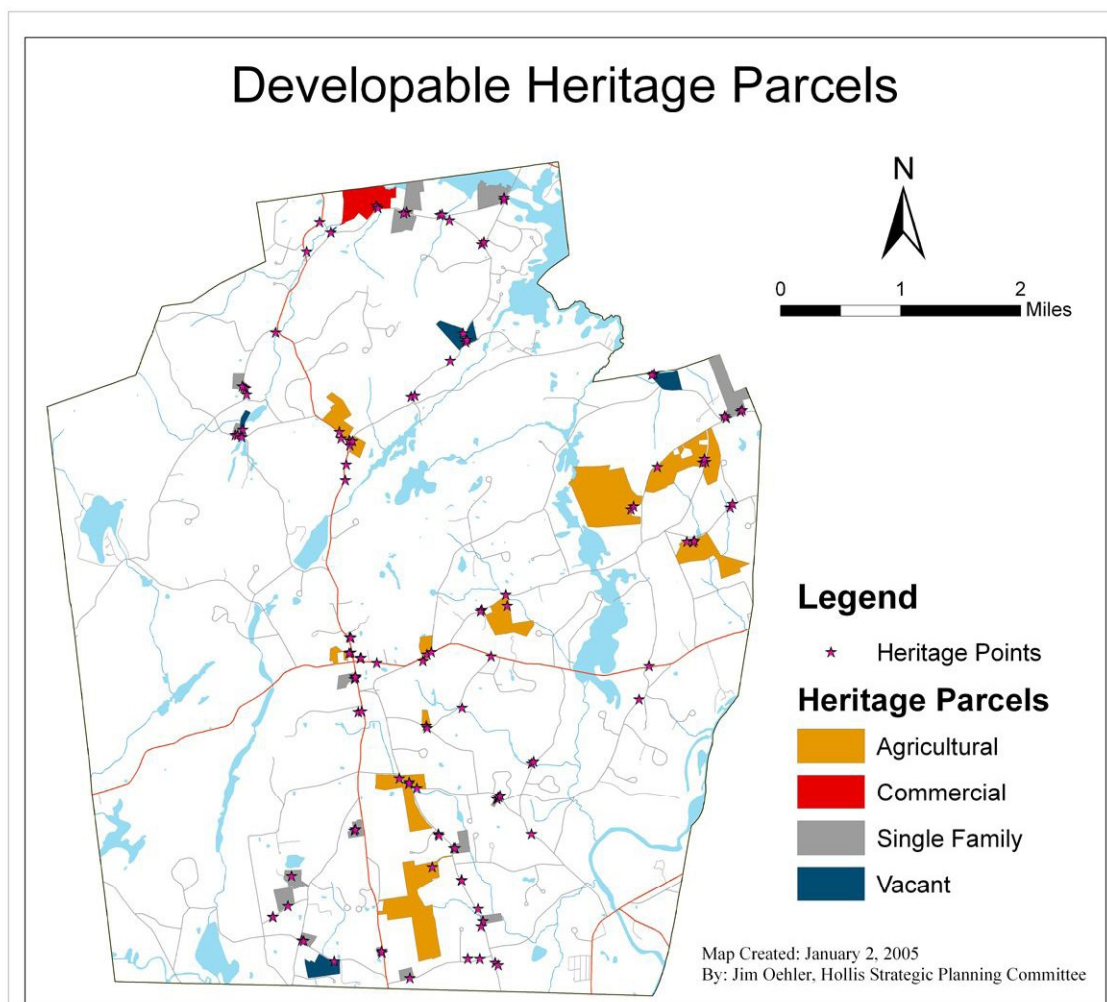


Figure 2. Historic sites and buildings on developable parcels.

Public Schools

Definition and Scope:

This report first describes some Hollis 2006 Survey results about public schools. Then, it shows public school enrollments and building capacities at the current time (2007 school year) and projected public school enrollments at the Hollis buildout, along with the deficit between building capacities and enrollments. The differences indicate the amount of new school capacity that must be built between now and buildout.

An appendix to the report charts the projected enrollment populations between now and buildout and shows approximately when student enrollment exceeds capacity at each school facility. These data can be used to estimate when new building capacity must be ready for the growing student populations.

There are several assumptions built into the report:

1. The Hollis-Brookline COOP continues as it is now through buildout.
2. Current educational quality remains steady, neither increasing nor decreasing.
3. Current standards for staff, facilities, and the school year remain the same.
4. Special Education mandates and costs are included.
5. State and Federal laws and mandates, including funding formulae, remain as they are now.

The data we used in this report is based upon a student population model developed by Dan Harmon. The model resides in an Excel spreadsheet titled "school pop-to-bo_080318" that is in our repository. The analysis is based upon the following methodology:

- 2007 school year – actual student population.
- 2010 school year – student population estimates published by NESDEC.
- 2015 and later school years - the model starts with the future town population projections for Hollis and Brookline at 5-year intervals. The Hollis population data came from a population model developed by the HSPC for its buildout analysis; the Brookline population data is as published by the NH Office of Energy Planning (NHOEP) in January, 2007. The "student-to-town population ratios" for the 6 school years from 2000 thru 2005 are calculated, using the actual student and town populations for each of those years. Then, the model estimates minimum and maximum student populations for future years by multiplying the NHOEP town population projections by the lowest and highest student-to-town population ratios encountered in the 2000 to 2005 period. The result is a range of likely student populations for future years.

2006 Survey Results

Almost as many people (46%) wanted to either reduce or level-spend school taxes, even if it meant that educational quality was reduced, as did people (50%) who were willing to pay more school taxes to either maintain educational quality at the current level or to improve it. There was almost no support for expanding school facilities at any new location (4%), while an equal number of people (about 44% each) wanted to avoid expansion at current sites or to expand only at the current sites. Tax burden (87%) and quality of education (86%) were the top concerns of the respondents.

Current Public School Enrollment and Building Capacities

The current enrollment and building capacities in each of our public schools are shown in Table 1.

Table 1: Current Public School Enrollment and Building Capacity (2007)

School	Enrollment	Building Capacity
HBHS	931	900
HBMS	424	550
HUES	399	460
HPS	394	456

Buildout Public School Enrollment and New Building Capacities Required

Our projections for School enrollment and the new building capacities required in our public schools at buildout are shown in Table 2.

Table 2: School Enrollments and New Building Capacities Required at Buildout

School	Projected Enrollment	Enrollment that Exceeds 2007 Capacity
HBHS	1,234 – 1,552	</= 652
HBMS	759 - 885	</= 335
HUES	613 - 689	</= 229
HPS	641 - 727	</= 271

Between now and buildout, the Hollis-Brookline COOP will need to find facilities to house up to 987 more students, and the Hollis School District will need to find facilities to house up to 500 more students. When and how these facility expansions are discussed and planned is critical to both the economic and qualitative success of public education in Hollis.

Note: We are reporting Hollis-only data for the Hollis Brookline High School and the Middle School, because the data show that enrollment will never exceed current capacity if these two facilities enrolled only Hollis students. To examine costs related to this issue, the Hollis Selectmen have appointed a committee to develop a cost benefit analysis of the Town's continued participation in the Hollis Brookline Cooperative School District. This "Facilities Space Needs Study Committee-Phase 2: Education" is due to report its findings in October, 2008.

Appendix: Timelines for Enrollment and Building Capacities, 2005-Buildout

Using data from the student population model described above, charts were developed to show projected future enrollments for each of our public schools relative to each building's capacity (Figures 1-4). The important question here is when and how to start new capacity planning for the existing facilities. For example, for both the HBHS and the HPS, it appears that capacity planning should have been already started. In fact, for the HBHS, additions to capacity have been planned, but rejected by the voters for the last two years.

Note: The town enrollment numbers were calculated at 5-year intervals: 2010, 2015, 2020, and so forth. Range lines are drawn from those points.

Figure 1

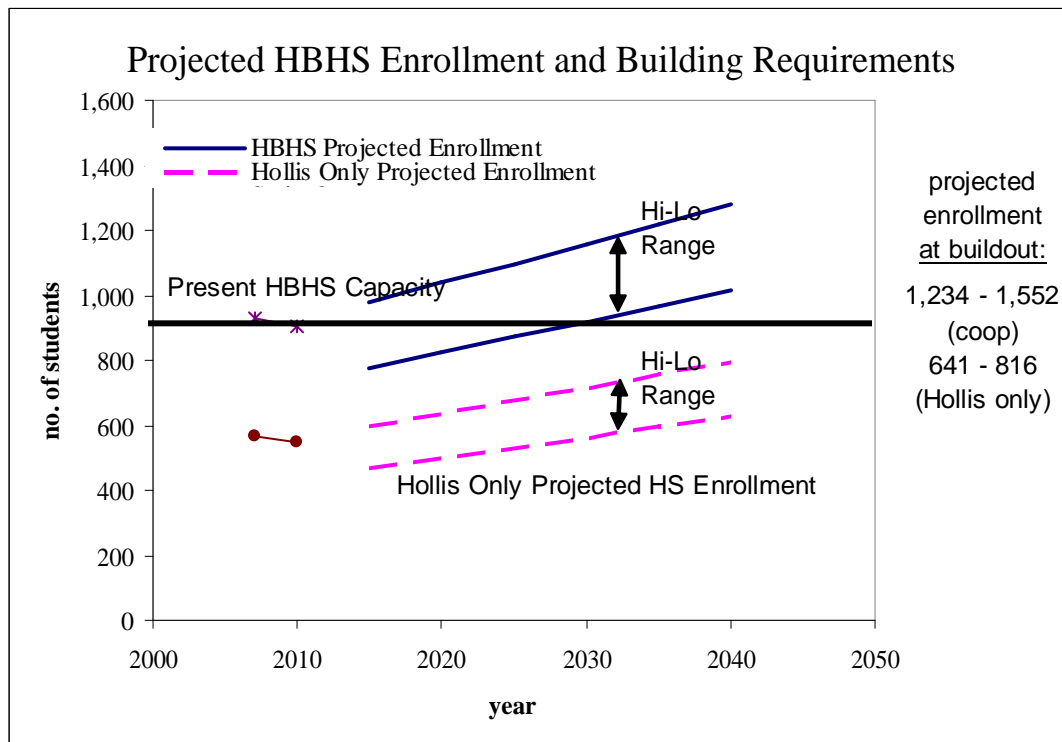


Figure 2

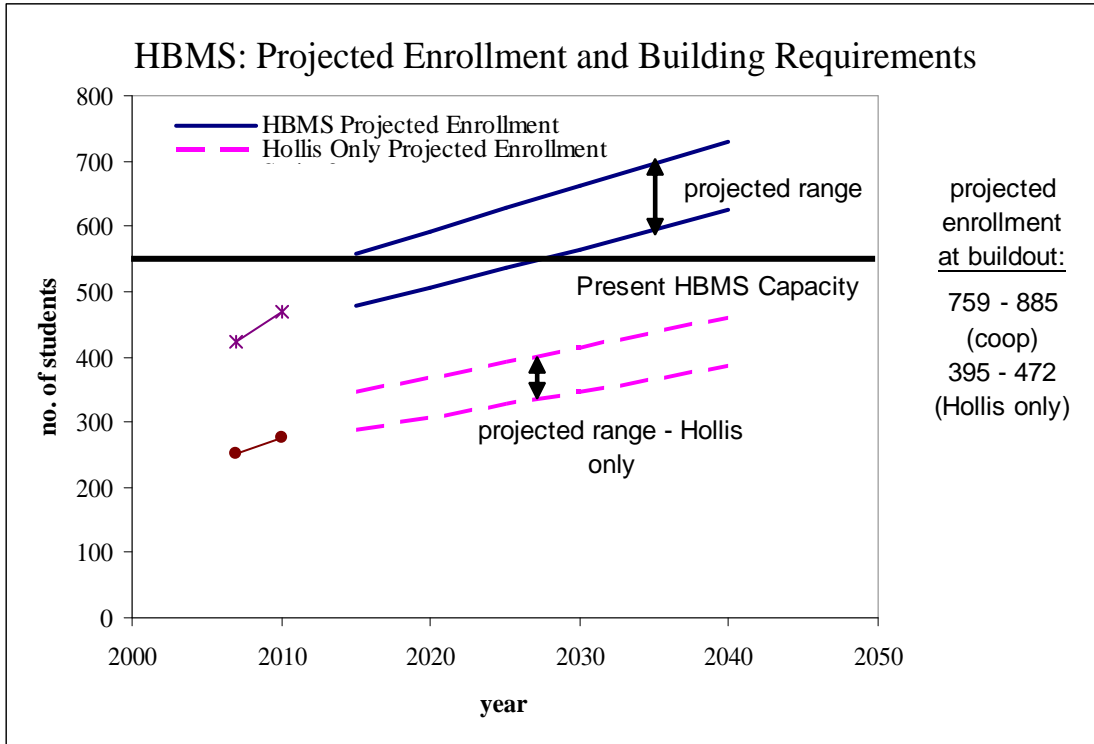


Figure 3

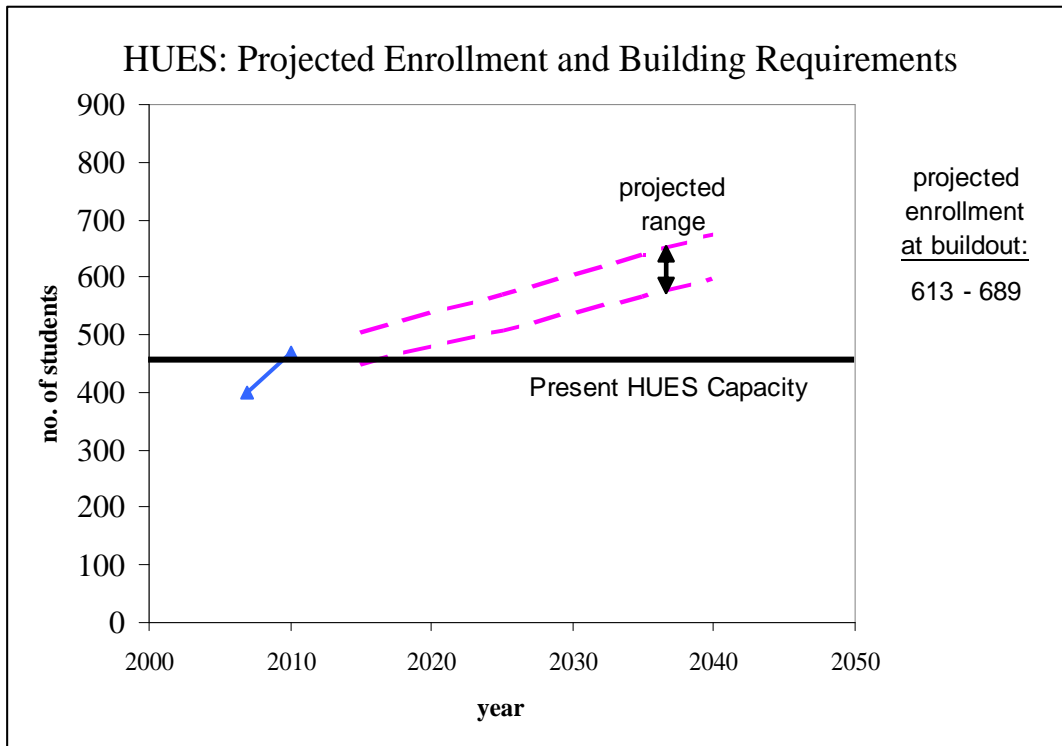
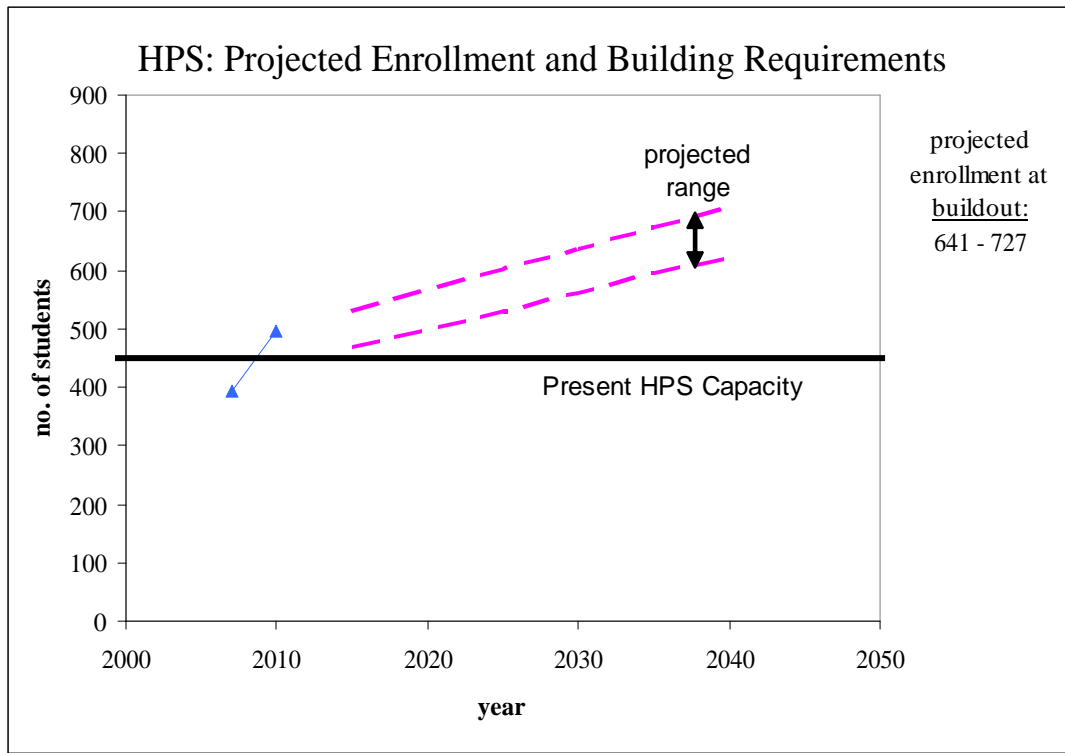


Figure 4



Recreation Areas and Facilities

Scope

The role of recreation is to ensure the availability of the broadest range of recreational and cultural opportunities for every individual or group in the most fiscally responsible and innovative manner while endeavoring to broaden our sense of community and preserve the unique character of our town without regards to age, sex, race or ability consistent with available community resources.

Recreation Areas and Facilities in Hollis Today

The current recreation areas and facilities are listed in Table A-1, by type and ownership. The recreation facilities are located in various parts of town, including Nichols field, Little Nichols field, Hardy field, and the four school sites. Town-owned facilities are managed by the Hollis Recreation Commission, consisting of one part-time director and various volunteer commission members. There are no full-time employees. The maintenance for Town-owned facilities is performed by subcontractors and the Department of Public Works, with grounds maintenance for Town-owned recreational fields funded by the Hollis Nichols Trust. The Recreation Commission has a total of 628 sq.ft. of buildings used for storage. In addition to facilities listed in Table A-1, the town also offers extensive passive recreation facilities, such as trails on conservation land, which are not considered in this report.

School-owned facilities are managed by the Hollis School Board and the Hollis Brookline Cooperative School Board.

In the 2006 Community Survey, when Hollis residents were asked to rate their level of satisfaction with all Hollis services and facilities, recreational facilities were rated as "good" on average, and ranked fifth highest in level of satisfaction out of ten town services and facilities. Less than two percent of the survey's respondents listed "additional recreational facilities" as a needed change for the Town.

Recreation Areas and Facilities in Hollis at Buildout

Planning for future recreational facilities can be based on the N.H. Statewide Comprehensive Outdoor Recreational Plan (SCORP)¹, which provides general recommended guidelines of recreational facilities by population. Using these guidelines, a general projection of Hollis's recreation facility needs was made for the projected buildout population 12,000. The results are summarized in Table A-2, where projected facility needs, today and at buildout, are compared to existing provisions.

Based on the recommended guidelines in SCORP, it appears that the Town currently has sufficient track facilities to meet future needs, but considerable growth in other facilities may be desirable to meet the recreational needs of the town at buildout. The town may have to consider additional provisions for 10 baseball diamonds, eight basketball courts, three multi-purpose sport fields, an ice skating area, four playgrounds,

¹ NH Office of State Planning, *Statewide Comprehensive Outdoor Recreation Plan (SCORP)*, 1994

10 softball fields, and four tennis courts. There is also an indicated need for beaches to provide swimming and aquatic activities, as well as a skate board park for young people.

The National Recreation and Park Association (NRPA) provides recreation facility development standards that can be used to estimate the number of acres needed to accommodate the recreation facilities needed at buildout.² The standards, along with an estimated number of additional acres needed at buildout, are shown in Table A-3. It is estimated that additional space totaling 36.4 acres (plus parking) will be needed at buildout to accommodate recreation needs identified in this report.

² National Recreation and Parks Association (NRPA), *Parks, Recreation, Open Space and Greenway Guidelines*, 1995, pg. 123.

Table A-1

Current Recreational Facilities in Hollis
by type and ownership

Facility	Town Ownership	*Hollis School Bd. Ownership	**Hollis Brookline School Bd. Ownership	Total
Baseball Diamond	3	1	2	4
Basketball Courts	0.75	1	4	2.25
Boat Ramp	2	0	0	2
***Sport Fields	3	.5	5	4.5
Horse Rink	1	0	0	1
Ice Skating Rink	0.25	0	0	0.25
Play Ground	1	2	0	2
Soft Ball Diamonds	1	0	3	1.75
Tennis Courts	2	0	0	2
Track	1	.5	1	1.50

* Public school facilities are counted as one-half the actual number, since school hours and after school activities limit the availability of facilities to the public. However, public school facilities are supported with tax dollars and are generally open to the public, for this reason they are included in the inventory.

** Public school facilities are counted as one-quarter the actual number, since school hours, after school activities, and its two town ownership further limit the availability of facilities to the public. However, public school facilities are supported with tax dollars from two towns and are generally open to the public, for this reason they are included in the inventory.

*** Sports field are multi-use fields that can accommodate a variety of athletic events.

Table A-2

Recommended³ versus Existing Recreational Facilities in Hollis:
today and at buildout

Facility	Standard (quantity/1,000 population)	Existing Provision	facilities today		facilities at buildout	
			needed	difference from existing	needed	difference from existing
Baseball Diamond	1.10	4	8.5	-3.5	13.2	-9.2
Basketball Courts	0.80	2.25	6.2	-3.9	9.6	-7.4
Boat Ramp	N/A	2	N/A	N/A	N/A	N/A
Sport Fields	.60	4.5	4.6	-0.1	7.2	-2.7
Horse Rink	N/A	1	N/A	N/A	N/A	N/A
Ice Skating Rink	0.25	0.25	1.9	-1.6	3.0	-2.8
Play Ground	0.5	2	3.9	-1.9	6.0	-4.0
Soft Ball Diamonds	1	1.75	7.8	-6.05	12.0	-10.3
Tennis Courts	0.5	2	3.9	-1.9	6.0	-4.0
Track	0.05	1.50	.39	+1.1	0.6	+1.0

³ As recommended by the NH Office of State Planning, *Statewide Comprehensive Outdoor Recreation Plan (SCORP)*, 1994. The SCORP provides only general projections of recreation facility needs. It is generally understood that the recommendations be used as a guideline in assisting municipalities as the plan for future needs, and that each municipality develop their own set of standards based upon the interests and needs of their community.

Table A-3

Additional Space Needed in Hollis for Recreational Facilities at Buildout⁴

Facility	Recommended Space per facility (acres)	Additional Facilities needed at Buildout	Additional Space needed (acres)
Baseball Diamond	1.43	10	14.3
Basketball Courts	0.23	8	1.8
Sport Fields	1.50	3	4.5
Ice Skating Rink	0.18	3	0.5
Play Ground	0.01	4	.04
Soft Ball Diamonds	1.43	10	14.3
Tennis Courts	0.23	4	0.9
total additional acres			36.4

⁴ space estimates based upon standards published by National Recreation and Parks Association (NRPA) in *Parks, Recreation, Open Space and Greenway Guidelines*, 1995

Roads and Transportation

Summary

The mission of the Roads and Transportation Area of Interest is to analyze the overall transportation issues that Hollis will face between now and buildout. The goal is to predict the budget impact on the town of Hollis for future road construction and maintenance and assess future transportation requirements for all Hollis citizens. The R&T AOI will be broken down into separate AOIs: Roads AOI and Transportation AOI. Statistical data pertaining to Roads and Transportation is contained in the last Hollis survey and can be found online at www.hollisgrows.com.

Transportation Area of Interest

Current Status of Transportation

Current public transportation in Hollis:	None
Current “for hire” transportation in Hollis	None
Current public transportation in Nashua	Available
Current “for hire” transportation in Nashua	Available
Current “handicap” transportation in Nashua	Available

Current Transportation

Currently, Hollis has no transportation system. There is no bus, taxi, or rail network. Thus, transportation in and around Hollis is wholly dependent on private transportation. Furthermore, there are limited sidewalks or pedestrian walkways in and around the town center. Current resident surveys indicate there is no real need for various transportation modes at this time. But as Hollis grows and the demographics of the town change, there will be requirements for some sort of transportation modes.

Anticipated Status of Transportation at Buildout

Future public transportation in Hollis	Required
Future “for hire” transportation in Hollis	Unknown
Future “handicap” transportation in Hollis	Required

Future Transportation

Future transportation needs, ranging from business, to commercial, to personal, to recreational, must be analyzed. Areas ranging from the need for public transportation to the availability of having “on-call” transportation assets will be reviewed. The associated costs of these transportation requirements must be taken into account. As the surrounding areas grow (including Nashua) any innovations to public transportation such as rail, bus, etc., must be understood and what those impacts will have on the Hollis community. Additionally, in keeping with the rural flavor of Hollis, the availability and desirability of such recreational assets such as bike paths, sidewalks, parking lots, scenic roads, etc., need to be understood and what cost impact those requirements may generate.

Conclusion

Transportation requirements, especially for the elderly, will be of concern to the Town of Hollis.

Recommendation

Explore the possibility of using transportation assets that are now being used in Nashua.

Roads Area of Interest

Summary

The mission of the Roads and Transportation Areas of Interest (AOI) is to analyze the overall transportation issues that Hollis will face between now and build-out. The goal is to predict the budget impact on the town of Hollis for future road construction and maintenance and assess future transportation requirements for all Hollis citizens. The R&T AOI will be broken down into separate AOI, i.e., Roads and Transportation. Statistical data pertaining to Roads and Transportation is contained in the last Hollis survey and can be found online at www.hollisgrows.com.

Current Status of Roads

Miles of Hollis Roads, current:	89 miles
Current estimate of vehicle usage:	10,108 vehicles/day ⁽¹⁾
Number of maintenance vehicles:	22

Currently, nearly 15% of the Town of Hollis operating budget is for the maintenance of Hollis roads, which consist of nearly 89 miles of roadway. Some of the roadways through Hollis like Route 122 and Route 130 are state roads and are thus the State’s responsibility.

Anticipated Status of Roads at Buildout

Miles of Hollis Roads, at buildout:	110 miles (est.)
Future estimate of vehicle usage:	Unknown
Future no. of maintenance vehicles:	25-30

Future Roads

It is anticipated that there will **not** be a major increase in road maintenance requirements within Hollis in relationship with the anticipated increase in population due to the fact the most of the major road arteries are already established. Future road requirements (approximately 20 miles) will be due to “spurs” being constructed off the current major roadways. These spurs will lead into various housing areas and may consist of cul-de-sacs that support the adjacent housing areas. Maintaining “spurs” will require an increase of personnel and equipment, especially during the winter months, as it is more difficult to plow a cul-de-sac than a straight section of road, but the overall increase in the “road budget” is expected to be in line with the current operating budget percentage.

What will impact the roads, and a consequent increase in maintenance resources, is the additional traffic that the Hollis roads will endure. It is anticipated that traffic from areas outside of Hollis will contribute to an overall increase in auto traffic. The “pass through” traffic on various major and minor roads alone will certainly increase the overall Hollis traffic count and maintenance requirements. As seen above, over 10,000 vehicles per day were counted in October 2006 at the intersection of Wheeler Road and Route 130, the major route to/from the Nashua area. As Nashua and the surrounding community grows (Brookline, etc.) traffic also will surely increase.

⁽¹⁾Nashua Regional Planning Commission road count, Oct. 2006, Route 130 and Wheeler Road intersection.

Conclusion

Pass-through traffic from surrounding communities will increase over the years, putting a strain on Hollis Roads.

Recommendation

Additional town resources will be required in order to maintain local roads.