

**HOLLIS PLANNING BOARD MINUTES**  
**November 30, 2021 – Workshop Meeting**  
**Final**

**Members of the Planning Board:** Bill Moseley, Chair; Doug Cleveland, V. Chair; Julie Mook, Chet Rogers, Ben Ming, Virginia Mills; David Petry Ex-Officio for the Selectmen; Alternate Members: Richard Hardy, Kevin Anderson, Jeff Peters

**Absent:** Ben Ming, David Petry, Jeff Peters, Rick Hardy, Virginia Mills  
Kevin Anderson voting for Virginia Mills

**Staff:** Mark Fougere - Town Planner; Evan Clements - Assistant Planner; Mike Vignale - Town Engineer

**1. CALL TO ORDER - 7:00 PM**

The Pledge of Allegiance was led by B. Moseley

**2. WORKSHOP DISCUSSION**

**a. Drainage Regulations**

M. Fougere introduced an updated drainage regulation document. One of the questions that he Board had was the additional cost associated with MS4 compliance on new projects. This was important if the Board wanted the MS4 requirements to be town wide. The Town Engineer believed that the added cost would be approximately \$500 as most of the required engineering was already being done per current regulations. He stated that at this time staff is recommending that this regulation keep the specific MS4 requirements only to the area of the town that fall within the EPA's "Urbanized" area and not require them across the entire town.

Mike Vignale, Town Engineer – discussed some of the details with amending the draft to separate the MS4 requirements from the overall requirements.

B. Moseley asked how likely the EPA's "Urbanized" area would change.

K. Anderson stated that it would be very likely to increase in size. He briefly explained how the EPA defines and designates areas as "Urbanized". He stated it is partially based on population density but also an area's proximity to a pre-existing "Urbanized" area. He discussed basing the new drainage regulations on the requirements of the NH Alteration of Terrain (AoT) permit since those state requirements are also in line with Federal requirements. He also discussed water quality impairments within the community and wanted to make sure the new regulations focus on water quality improvements for the community.

General discussion regarding requiring As-Built plans for drainage on private developments and maintenance agreements for those structures and who is responsible for doing the work and reporting to the town.

General discussion regarding threshold of disturbance that will trigger the regulations. 20k SF – 10k SF was the initial idea based on the EPA Construction General Permit being required for a disturbance of 20k SF or greater.

E. Clements clarified that the water quality standards and AoT provisions should be included in the town wide drainage regulations. He cautioned that the regulation should not rely so heavily on engineering practices and language referenced to other documents and manuals that it is incomprehensible to a lay-person.

General discussion regarding how to enforce the specific MS4 requirements and how to identify if a project is subject to the MS4 Requirements. The Planning Department signs off on every new construction building permit.

E. Clements suggested a standalone regulation for drainage that both the subdivision and site plan regulations reference. This would allow a sub-section that was specific to the additional MS4 requirements for the “Urbanized” areas.

M. Fougere stated that he believed that if the drainage regulations were part of the subdivision regulations that would capture 95% of development in town.

B. Moseley asked about what would happen to individual lots of record.

M. Fougere stated that they would just go get a building permit.

M. Vignale asked what happens when someone buys a big lot, disturbs most of it and does not put any erosion control up or is a bad neighbor, what is the recourse.

M. Fougere stated that we do require a plan for silt fence, even for lots of record and especially if there are wetlands on the property and an inspection to make sure erosion control is in place.

B. Moseley stated that the town is responsible to be able to guide residents through the regulations and the Planning Department needs to have the tools to do that.

Consensus is that the updated drainage regulations should be a part of the subdivision regulations.

#### **Amendment #1:**

Amend Zoning Ordinance as follows: amend the following Section XI, Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, by **deleting** Article 5- Drainage in its entirety : ~~a. There shall be no net increase in peak flow or overall volume of stormwater runoff in the WCO Zone as a result of any development. b. Calculations shall be based on 2, 5 and 25-year storm events in accordance with NRCS Technical Release 55 or Technical~~

~~Release 20, or other calculation methods as approved by the Planning Staff. C. Drainage design shall be in accordance with the Town of Hollis Subdivision and Site Plan regulations. **Amend** Article 7 Special Exception in the Wetlands Conservation Overlay Zone, b (i) as follows: hydrological calculations based on drainage requirements in accordance with the Hollis Subdivision Regulations. Section XI.C.4.b. of this Ordinance. **Delete** Section XV Hollis Rural Character Ordinance, F. Design Standards, 6. Erosion Control, paragraph a. in its entirety. Restrict the post development runoff rate and volume to match the pre development rate or volume for each offsite flow area based upon a ten-year rainfall event. The first 1/2 inch of runoff from all impervious areas is to be retained on site. Treated runoff should infiltrate into the ground in an amount approximately equaling pre development runoff conditions. Roof runoff is considered "treated" for the purposes of infiltration. If, after a recommendation by the Town Engineer, the Planning Board makes the determination that strict adherence to the above rate and volume regulations may cause more environmental harm than good, then offsite rates and/or volumes may be increased above pre development conditions by as much as 25%. However, drainage in wetland conservation overlay (WCO) zones must adhere to the standards provided in Section XI.C.4 of the Hollis Zoning Ordinance, which requires that there be no net increase in peak flow or overall volume of stormwater runoff in the WCO zone as a result of any development. At no time shall offsite flow increases be allowed onto an objecting abutter's property.~~

**Motion to move proposed amendment #1 to public hearing** – motioned by D. Cleveland; seconded by K. Anderson – passed unanimously

#### **b. Potential Zoning Changes**

Discussion regarding which zoning districts would allow aircraft take offs and landings and what the Conditional Use Permit criteria would be. After discussing lot dimensions, acreage, and property line setbacks the Board decided to move forward with a blanket prohibition on the aircraft take offs and landings in town.

#### **Amendment #2:**

Amend Section X Zoning Districts, A. Agriculture & Business Zone, B. Commercial Zone, C. Industrial Zone, D. Mobile Home-1 Zone, E. Mobile Home-2 Zone, Recreation Zone, Residential & Agriculture District, Rural Lands Zone, Town Center Zone and Water Supply Conservation Zone by adding a new Section, **Prohibited Uses: Aircraft landings & take offs.**

**Motion to move amendment #2 to prohibit aircraft take offs and landings to public hearing** – motioned by C. Rogers; seconded by D. Cleveland – passed unanimously

M. Fougere explained the proposed development regulation amendment. Allows for a way to make the town aware of site development work so proper erosion control can be verified by the site inspector. Also noted the cleanup of a sentence that made no sense.

**Amendment #3:**

Amend Section IV: Enforcement and Administration, by adding a new provision as follows: ***If, prior to the issuance of a Building Permit, an applicant intends to disturb a site, then a Notice of Site Development shall be required. A Notice of Site Development shall be submitted to the Planning Department, prior to the issuance of a Building Permit, in order to begin any site disturbance in preparation for construction. The Notice of Site Development does not supersede the prohibition of activities and permit requirements detailed in subsection F below. Failure to submit the notice shall be considered performing work without a permit and subject to enforcement actions, including applicable fines.*** In addition, amend Section IV: Enforcement and Administration, E as follows: No excavation for foundation, nor erection, construction or structural alteration of any structure or part of a structure, or occupancy of streets or alleys with building materials or temporary structures for construction purposes shall be undertaken until a permit shall have been issued by the Building Inspector. ~~No such permit shall be issued before application has been made for a Certificate of Occupancy.~~

**Motion to move proposed amendment #3 to public hearing** – motioned by C. Rogers; seconded by J. Mook – passed unanimously

M. Fougere explained that the amendment to the prohibition of petroleum products in the aquifer zone is to allow the subsurface storage of natural gas and propane because they do not pose a threat to the aquifer from a gas leak.

**Amendment #4:**

**Amend** Section XI: Overlay Zoning Districts, A. Aquifer Protection Overlay Zone, Article 6. Prohibited Uses in the Aquifer Protection Overlay Zone, l. as follows: Subsurface storage of petroleum, other refined petroleum products, or other Hazardous or Toxic Materials as defined in RSA 147-A. ***The subsurface storage of natural gas or propane products shall be allowed.***

**Motion to move proposed amendment #4 to public hearing** – motioned by J. Mook; seconded by C. Rogers – passed unanimously

B. Moseley asked if there are any other proposed zoning amendments that any Board member would like to bring up and discuss. No other proposed zoning amendments were brought up.

**c. Master Plan Update**

J. Mook talked about the discussion of rural character in the Master Plan.

**3. OTHER BUSINESS**

**a. Resident Presentation – Josh Roby – Construction Hours of Operation / Noise Control Ordinance**

Josh Roby; 61 Deacon Lane – outlined his proposed zoning amendment for setting construction activity hours of operation. He discussed that the Keyes Hill project was disruptive and loud. He noted that there were several meetings held by the Planning Board in 2020 in an attempt to address the issues. He believed that the construction activity was beginning before 7am, 6 days a week. Since he heard that the same developer is planning an even larger development just to the south and has concerns that it will create even more disturbance than Keyes Hill Road. He described his proposal and how it was focused on larger developments and solely on construction noise. He clarified that it only regulates outside construction activity that causes noise. He stated that he not a morning person and believes that setting the operation time from 8:30am to 5:30pm, Monday thru Friday, was reasonable to everyone. He discussed that he added an emergency clause and rules for that specific clause. He noted that having language in the Subdivision Regulations might make more sense but the voters do not have control over those regulations, only the Zoning Ordinance.

E. Clements stated that the Board asked staff to research similar communities to see how they address construction noise. He presented the results of that survey:

Windham – has noise ordinance but provides exception for temporary or permitted work

Amherst – like Hollis, no noise regulation or ordinance

Bedford – regulates on a case by case basis and prefers a 7am to 7pm construction operation time

B. Moseley asked K. Anderson what the Town of Merrimack does.

K. Anderson responded that they work on a case by case basis at the time of subdivision approval.

D. Cleveland stated that this Planning Board tries to do that was well.

B. Moseley acknowledged that they were not as fastidious with bringing the issue up as he would like.

K. Anderson asked J. Roby if this proposal was derived solely from the Keyes Hill subdivision construction activity.

J. Roby stated that Keyes Hill was what motivated him to make his petition. He added that the knowledge of another development coming in the near future was also a factor.

J. Mook asked if there was a window of time that the Planning Board could set construction operation hours.

M. Fougere stated that setting the construction operation hours during final review of an application is the best time to set hours of operation. Once the project is approved the Board

cannot set hours. Having the provision in the Subdivision Regulations gives the Board greater authority to regulate construction noise.

B. Moseley raised a concern that having something in zoning could extend the duration of a project and thus create more noise overall.

M. Fougere noted that the developer of the Keyes Hill project wanted to blast and not jack hammer, the Board at the time did not allow blasting so he was forced jack hammer. He noted that this proposal goes beyond the issue of jack hammer and would impact all construction activity that causes noise.

J. Roby noted that he live .5mi away and he can hear every time an excavator hits a rock. He raised a concern that the new development would impact his neighbors. He acknowledged that this proposal will extend construction time but he stated that a large project would take years anyway so better to have some relief by limiting the hours as proposed.

E. Clements discussed issues with the proposed language for what kinds of projects are going to be impacted. He noted an older project such as Woodmont which was a 12 lot subdivision but was slowly built out. The single house builder would be subjected to this ordinance. He expressed confusion on how to enforce the ordinance.

M. Fougere explained that the language of ordinances need to be precisely written as there can be legal liability with enforcement.

D. Cleveland raised concern over the definition of noise and discussed a previous attempt to pass a noise control ordinance.

J. Mook noted that the proposal does not include operation time for Saturday or Sunday and asked if a builder could work during the weekend.

J. Roby stated no. The working hours are within the proposed Monday through Friday window.

J. Mook suggested adding specific construction activities such as jack hammering or blasting noise to be regulated instead of a blanket prohibition.

B. Moseley asked what the Board's thoughts were on addressing the construction noise via zoning ordinance or subdivision regulations. The majority of the Board preferred utilizing the subdivision regulations over the zoning ordinance.

Motion to adjourn at 9:05pm by C. Rogers; seconded by D. Cleveland. Passed unanimously.

Respectfully submitted,  
Evan J. Clements, AICP Candidate