

# 2022 PROPOSED ZONING CHANGES VOTER'S GUIDE

WELCOME  
TO  
HOLLIS

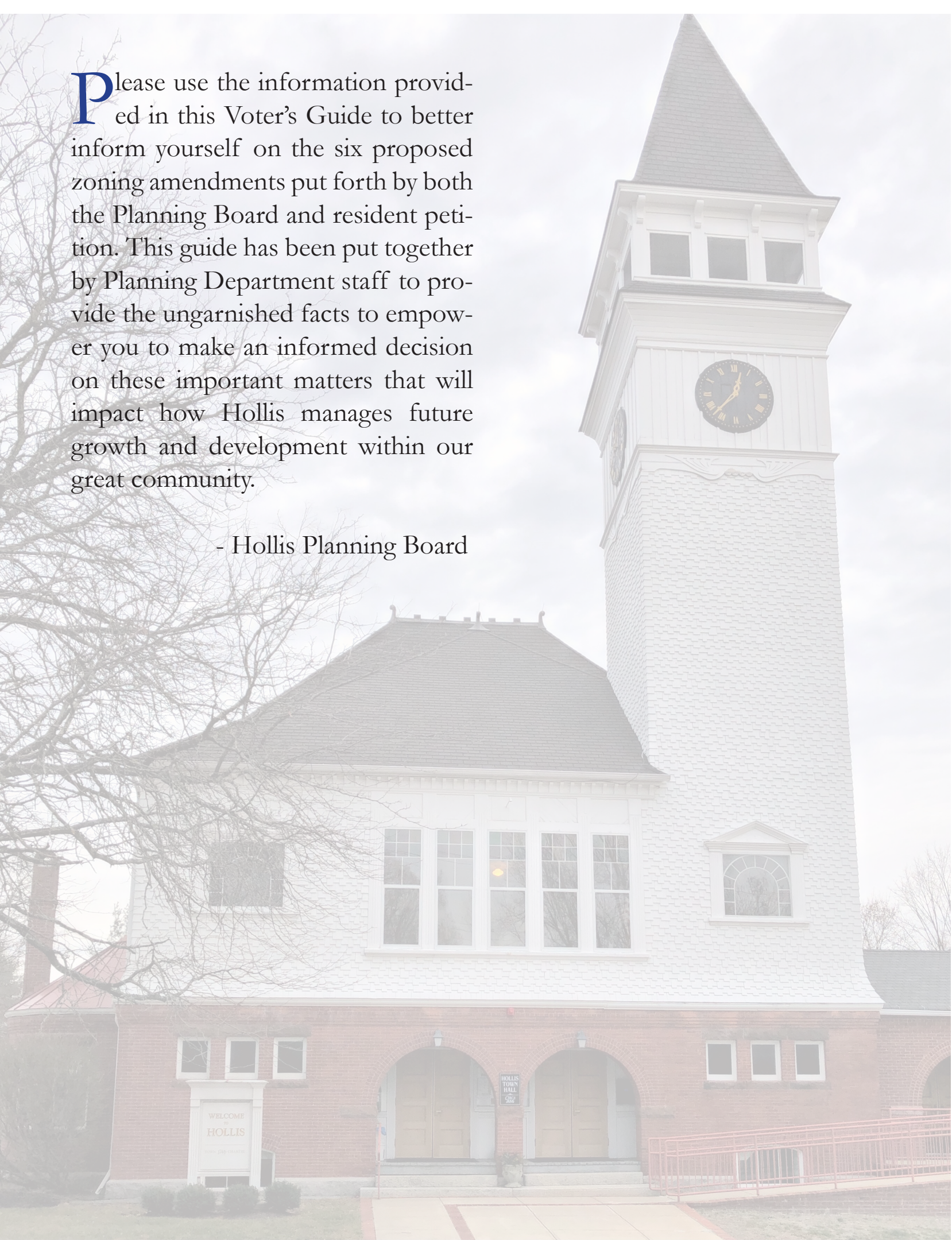
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TOWN 1746 CHARTER

PREPARED BY  
THE HOLLIS  
PLANNING BOARD

Please use the information provided in this Voter's Guide to better inform yourself on the six proposed zoning amendments put forth by both the Planning Board and resident petition. This guide has been put together by Planning Department staff to provide the ungarnished facts to empower you to make an informed decision on these important matters that will impact how Hollis manages future growth and development within our great community.

- Hollis Planning Board



# AMENDMENT 1

The first amendment proposes to remove drainage regulations from various sections of the Hollis Zoning Ordinance and relocate drainage related zoning requirements to the subdivision regulations and update oversight to reflect state of the art water quality requirements and recognize required EPA MS4\* requirements. In addition, these updates reduce environmental impacts associated with existing drainage requirements thereby maintaining the rural character of the community.

## **Additional benefits of the proposed changes include:**

- Reduces disturbance of the natural environment, protecting the town's Rural Character.
- Upgrades drainage regulations from primarily volume based to water quality based.
- Follows accepted engineering standards including NH Dept. of Environmental Services (DES) to address rate of runoff.
- Increases the number and types of development that will be required to adhere to the regulations.
- Improves water quality of drainage facilities with stricter requirements.
- Provides flexibility to address changing requirements of NH DES and EPA.
- Creates separate regulations to address EPA MS-4 neighborhoods.

**\* Find a more detailed explanation of MS4 and Stormwater Regulations  
starting on page 11**

# AMENDMENT 1 con't

Below are examples of drainage systems required by current regulations:



*Keyes Hill Road at Federal Hill Road*



*Keyes Hill Road at Rocky Pond Road*

# AMENDMENT 1 con't



*James Way at Pine Hill Road*



*Flagg Road - One Lot Subdivision*

# AMENDMENT 2

The second amendment proposes to create an administrative process that requires developers to notify the Planning Department prior to site construction or development of any kind. This will allow staff to ensure that proper environmental protections are in place prior to the start of work.

**Below is an example of development activity that took place without proper environmental protection or notification:**



*Federal Hill Road - Five Lot Subdivision*

# AMENDMENT 3

The third amendment proposes to clarify an amendment to the Zoning Ordinance that took place last year. The 2021 amendment prohibited the underground storage of petroleum products such as gasoline or diesel fuel. This also prohibited the underground storage of propane and natural gas. Propane and natural gas do not pose a threat to the aquifer zone as any spillage will dissipate into the atmosphere and not contaminate the groundwater. This amendment seeks to allow the underground storage of propane and natural gas. The Fire Department is in support of this amendment as the underground storage of these products are safer than aboveground storage.



*Installing an Underground Storage Tank*

# AMENDMENT 4

The fourth amendment proposes to prohibit the landings and take offs of manned aircraft within Hollis. State RSA allows this by right unless specifically prohibited by Zoning. The Planning Board discussed acreage requirements for lots as well as setback requirements for runways and landing pads but ultimately decided that manned aircraft activity was too disruptive. Nashua airport is close by and is capable of accommodating manned aircraft activity. This amendment will not prohibit unmanned aircraft such as RC hobby flyers or drones.



*An Example of a Private Runway and Hanger*

# RESIDENT PETITION AMENDMENT 1

The first resident petition amendment proposes the following:

**Add SECTION IX: GENERAL PROVISIONS S. Construction Noise.** Any construction activity for a project that creates three or more structures, or three or more buildable lots, may not create noise that is audible on any abutting lot outside of the hours of 8:30 AM to 5:30 PM on Monday through Friday. The only exception would be in case of urgent necessity in the interest of public health and safety, and then only with a permit from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues and which permit may be renewed for periods of three days or less while the emergency continues.

**The Hollis Planning Board voted unanimously to NOT support this petition for the following reasons:**

- The petition overreaches and creates a confusing ordinance that will be difficult to enforce.
- The Planning Board has adopted a new provision within the Subdivision Regulations that will effectively address construction noise activity with stronger legal oversight.
- Proposed language is unclear, creating enforcement issues for the building and planning department. The term “construction activity” is not defined and therefore open to interpretation.
- The limited hours of “audible noise” will result in construction projects taking longer to complete, extending impacts to abutters over a much longer duration of time. 11-16 hours of work could be lost each week (1.5 hours a day M-F & Saturday).
- The proposed ordinance treats all construction noise the same, from road construction (where complaints have been made by town residents) to home construction & framing, where complaints have been nonexistent.

# RESIDENT PETITION

## AMENDMENT 2

The second resident petition amendment proposes the following:

**SECTION XXI: DEFINITIONS** For the purpose of this ordinance, certain terms or words used herein are defined as follows:

**SUBDIVISION:** The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, transfer, condominium conveyance, or building development. It includes a re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall must-be deemed a subdivision. The division of land for the purpose of developing Housing for Older Persons or other development types of more than one dwelling unit on a single lot must be deemed a subdivision.

**NET TRACT AREA:** The net tract area of the parcel is determined based on the pre-development conditions by subtracting the total area calculated for wetlands, surface waters including man-made surface waters, hydric soils, flood plain, road rights-of-way, and altered/unaltered slopes greater than 25% from the total (gross) tract area.

### SECTION IX: GENERAL PROVISIONS

**0. DETERMINATION OF DENSITY FOR CONDOMINIUM DEVELOPMENTS.** The number of permissible dwelling units in a condominium subdivision shall be the same as that which would be applicable for a conventional subdivision of the contemplated housing type. Similarly, any buildings proposed to be built as part of a Housing for Older Persons development or any other type condominium development, shall be required to demonstrate compliance with the Building Area requirements set forth herein. It is required that each building must have an exclusive non-overlapping building area in order to demonstrate compliance.

The Hollis Planning Board voted unanimously to NOT support this petition for the following reasons:

- The amendment is confusing and attempts to amend the State definition of a subdivision creating questionable legal standing.
- Housing for Older Persons that are approved as a condominium are already considered a “subdivision” and the amendment creates confusion as written.
- Building areas were intended to be applied to single family lots that front on town roads, applying such requirements to a condominium which contain no lots or public roads creates confusion on its application.

# STORMWATER & MS4 INFORMATION

## What is MS4?

MS4 stands for Municipal Separated Stormwater Sewer System. Hollis is part of the USEPA MS4 General Permit Program and subject to the 2017 New Hampshire Small MS4 General Permit which is the mechanism in which USEPA administers and enforces the Clean Water Act. Every year the Town submits an annual report including actions the Town has taken as required by the permit. One of the requirements is to update our Stormwater Regulations so that specific water quality benchmarks are met. Other specific standards required by the permit include, for example, performance benchmarks for pre and post construction activity, maintenance of drainage structures, and green road salting operations.

In 2020 Hollis was required by the permit to update our drainage regulations to include criteria that presently does not exist. Hollis is currently not in compliance with that provision of the permit.

The MS4 standards are only required in the designated “Urbanized Area” that is defined by USEPA. Please see the attached map on page 13 for reference. The Planning Board’s intent is to only require MS4 provisions in the areas that are considered “Urbanized” as is required by the permit.

In regards to the “state of the art water quality requirements,” most of NH’s water bodies are considered “impaired”. This means that they have high levels of contaminants due to run off from storm events collecting pollutants as the water runs across the land and drains into the bodies of water. Both the USEPA MS4 requirements and NHDES Alteration of Terrain (AoT) are evolving their requirements in an attempt to combat these impairments.

By moving the drainage into the Subdivision Regulations it will allow the Town to more quickly adapt our own regulations to stay in compliance with State and Federal mandates as they pertain to Stormwater and water quality. The majority of drainage design and enforcement is currently handled by both the Planning Board and planning staff so it makes sense to consolidate those provisions as they are already being handled by planning efforts.

# STORMWATER & MS4 INFORMATION con't

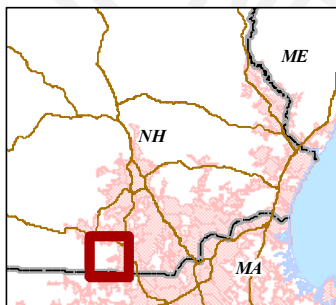
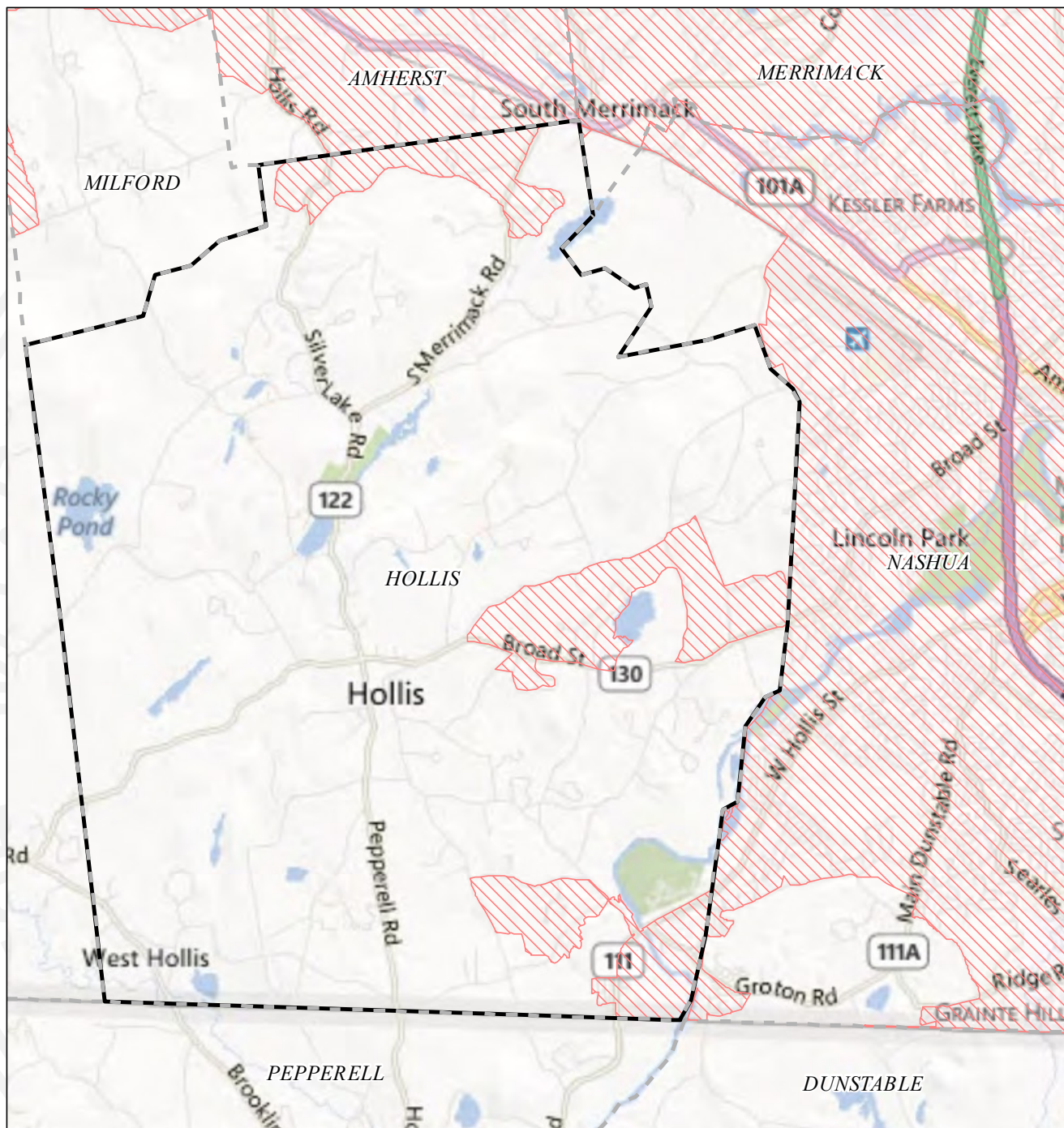
## **Waivers! Waivers! What about Waivers?**

A considerable amount of misinformation has been put forth about waivers and the Planning Board's legal authority to grant them.

While technically the Planning Board could entertain waiver requests for drainage, the Board is not required to grant any waivers and in the past has been both strict and limited in doing so. The Board would continue to cast a cautious eye to any drainage related waiver requests. The Planning Board only has authority to grant waivers from the Subdivision or Site Plan Regulations. The Planning Board would not entertain a waiver for drainage that was not supported by the Town Engineer. A waiver can only be granted if the request still met the intent of the regulation.

Considering that drainage requirements are so technical, it would be very challenging for an applicant to propose an alternative that met the intent of the Town's regulation while still meeting benchmarks for water quality, volume, flow rate, and detention period. Since the new regulation is connected to and includes State and Federal requirements, there could also be possible liability on the Town if the Planning Board granted a waiver to drainage that resulted in a substandard drainage system for a development.

# HOLLIS MS4 URBANIZED AREA



NPDES Phase II Stormwater Program  
Automatically Designated MS4 Areas

**Hollis NH**

 Regulated Area (2000 + 2010 Urbanized Area)



Town Population: **7677**  
Regulated Population: **1706**  
(Populations estimated from 2010 Census)



Urbanized Areas, Town Boundaries:  
US Census (2000, 2010)  
Base map © 2010 Microsoft Corporation  
and its data suppliers

US EPA Region 1 GIS Center Map #8824, 11/19/2012