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***TOWN OF HOLLIS, NEW HAMPSHIRE***  
***ZONING ORDINANCE***



*Amended*

*Recodification April 3, 2001*

*March 12, 2002, March 12, 2003*

*March 10, 2004, March 9, 2005*

*March 14, 2006, March 13, 2007*

*March 11, 2008, March 10, 2009*

*Adoption of Revised Flood Maps – June 22, 2009*

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An ordinance to promote the health, safety, morals, and general welfare of the community by regulating the use of land in the Town of Hollis.

## **PREAMBLE**

In pursuance of authority conferred by Chapter 674:16-34; New Hampshire Revised Statutes Annotated as amended and for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of the incorporated Town of Hollis, New Hampshire, by securing safety from fire, panic, and other dangers, providing adequate areas between buildings and various rights-of-way, by preventing the overcrowding of land, avoiding undue concentration of population, facilitating the adequate provisions for transportation, water, sewage, schools, parks, and other public requirements, and by other means in accordance with a comprehensive plan, the following ordinance is hereby adopted by the voters of the Town of Hollis, New Hampshire, in official Town meeting convened.

## **SECTION I: AUTHORITY**

- A. AUTHORITY:** This ordinance has been adopted by Town Meeting Vote of the Town of Hollis, New Hampshire.
- B. AMENDMENTS:** This ordinance may be amended by a majority vote of any legal Town Meeting in accordance with provisions of the New Hampshire Revised Statutes Annotated. The Planning Board has the authority to assign such section numbers to this ordinance and to the Building Code as it may deem appropriate, provided that no substantive change shall occur as a result of such renumbering.
- C. PLANNING BOARD:** The Planning Board is authorized to require, when the scope of the impact of a proposed application warrant, an applicant to participate in a preliminary conceptual consultation or design review

## **SECTION II: SEPARABILITY CLAUSE**

The invalidity of any provisions of this Ordinance shall not affect the validity of any other provision.

## **SECTION III: WHEN EFFECTIVE**

This Ordinance shall take effect upon its passage.

## **SECTION IV: ENFORCEMENT AND ADMINISTRATION**

- A.** The Building Inspector established under RSA 673:1 shall also serve as the Code Enforcement Officer.
- B.** The Code Enforcement Officer, or the Board of Selectmen's designee, shall have the duty, and is hereby authorized, to enforce the provisions of this ordinance.
- C.** Upon any violation of this Ordinance, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other proper legal action.
- D.** All applications for building permits shall be accompanied by a plat drawn to a scale of not smaller than 1" =100', showing the actual dimensions of each lot to be built upon, the size and location of each building to be erected upon each lot, and such other information as may be necessary to enable the Building Inspector to determine that the proposed structure and use of land will conform to the provisions of this Ordinance. A record of such applications and plats shall be kept in the office of the Building Inspector.
- E.** 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.
- F.** No excavation for foundation or 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.
- G.** No vacant land shall be occupied until a Certificate of Occupancy shall have been issued by the Building Inspector.
- H.** A Certificate of Occupancy (CO), either for the whole or part of a new building or for the alteration of an existing building shall be applied for at the same time as the application for a building permit is applied for. The CO shall be issued within 90 days after notice of erection or alteration of such building or part of such building and shall have

been completed in conformity with the provisions of this Ordinance.

- I.** A Certificate of Occupancy for the use or occupancy of vacant land, or for a change in the use of an existing building, shall be applied for and issued before any such land shall be occupied or used, or such land or building changed in use, and such certificate shall be issued within 15 days after application has been made, provided such proposed use is in conformity with the provisions of this Ordinance.
- J.** A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and a copy shall be furnished on request to any person having proprietary and tenancy interest in the building or land affected.
- K.** A building permit shall be valid for one year from the date of issuance. Said permit period may be extended for one or more times with the approval of the Building Inspector. If said permit expires, the building materials and equipment on the ground shall be removed or stored according to the requirements of the Building Inspector.

## **SECTION V: PENALTIES AND FINES**

Pursuant to NH RSA 676:17, any violation of this Ordinance, or any other regulation adopted pursuant to Title LXIV of the NH Revised Statutes Annotated, by the Town of Hollis, shall be punishable by either:

- A.** A civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date, or after the date on which the violator receives written notice from the municipality that he/she is in violation of such ordinance or regulations, whichever date is earlier; or
- B.** A criminal penalty, which shall be;
  - 1. a misdemeanor if the violation is committed by a natural person; or
  - 2. a felony if the violation is committed by any other person.
- C.** Additionally, the Town of Hollis hereby adopts by reference Paragraphs II through IV of NH RSA 676:17 regarding the recovery of municipal attorneys' fees and costs, other municipal costs, and the posting of a bond by alleged violators with the Superior Court.

## **SECTION VI: BOARD OF ADJUSTMENT**

- A.** The Board of Selectmen shall make appointment to a Board of Adjustment consisting of five members conforming in duties to the provisions of Chapter 674:33 of the NH Revised Statutes Annotated, as amended. Thereafter, as terms expire or vacancies occur, the appointing Authority shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment shall conform in membership and term of office to the provisions of Section 5, Chapter 673, NH Revised Statutes Annotated, as amended. In addition to the general powers granted to the Board of Adjustment by Chapter 674:33, it may, if in harmony with and subject to its provisions, authorize the following exceptions to be made and permits to be issued:
  - 1. For the erection or use of a structure in any District by a public utility corporation when such erection or use is reasonably necessary for the service of the public and not unreasonably detrimental to the character of the development.
  - 2. For a cemetery or a municipal utility in any District.
  - 3. For churches, religious buildings, auditoriums, municipal buildings, and other similar places of public assembly.
- B.** In the determination of a decision with regard to an exception, the Board of Adjustment shall consider that:
  - 1. The use shall not be detrimental to the character, environment, scenic value or general welfare of the Town; and
  - 2. The use shall not materially affect traffic or the physical condition of the Town roads.

## SECTION VII: ZONING

### A. ZONING DISTRICTS

The zoning map officially entitled; "Hollis Zoning Map" is hereby adopted as part of this ordinance. It shows a division of the Town into the following zones:

1. **AGRICULTURAL AND BUSINESS ZONE (A&B):** To include the entirety of the following lots:

17-15	52-5	52-16	52-26	52-36	53-7
17-15.1	52-6	52-17	52-27	52-37	53-13
17-16	52-7	52-18	52-28	52-38	53-14
17-16.1	52-8	52-19	52-29	52-39	53-15
17-17	52-9	52-20	52-30	52-41	53-16
17-21	52-10	52-21	52-31	52-42	53-17
	52-12	52-22	52-32	52-43	
18-4	52-13	52-23	52-33	53-3	56-1
18-5	52-14	52-24	52-34	53-4	56-27
	52-15	52-25	52-35	53-6	

Also, to include a portion of the following lots, consistent with the Zoning Map:

17-18	18-9	24-2	52-11	53-8
17-19			52-40	

Also, to include an area on both sides of Silver Lake Road to a depth of three hundred (300) feet, north of the intersection of Ames Road to the Amherst line.

2. **COMMERCIAL ZONE (C):** To include an area east of Route 111, north of the Mobile Home-2 Zone, and west of the Recreational Zone, centered on part of a private road known as Pineola Drive.
3. **INDUSTRIAL ZONE (IN):** To include land in an area on Proctor Hill Road to a depth of 1,000 feet on the south side and 2,000 feet on the north side, extending 2,000 feet easterly into Hollis from the Brookline line, and all the land westerly from Runnells Bridge Road (Route 111) to a depth of 1,500' from the northern boundary of the Trailer Park Zone thence northerly to Twiss Lane and Depot Road.
- i. **MOBILE HOME-1 ZONE (MH-1):** To include land on the west side of the Runnells Bridge Road as shown on the official zoning map as follows: Starting from an iron pipe 600' north of the Pepperell line on the west side of Rt. 111; South 87° 38' 54", West 1,320' to an iron pipe, thence North 0° 14' 42", West 1,291.10' to a stone bound, thence South 88° 45' 00", East 404' to an iron pipe, thence North 4° 00' 00", East 99' to a stone bound, thence North 89° 00' 00", East 1,160' to a stone bound on Route 111, thence South 9° 46' 00", West 1,369.98' to the point of beginning.
  - ii. **MOBILE HOME-2 ZONE (MH-2):** To include approximately 110 acres; extending east from the northeastern-most boundary of the trailer park to the Recreational Zone and to follow the Recreational Zone south/southwest to the Massachusetts line, then west to Route 111, thence in a northerly direction along Route 111 to the starting point.
  - iii. **RECREATIONAL ZONE (R):** To include all the land within 600' of the shores of Silver Lake, Pennichuck Pond, Rocky Pond, Flint Pond, the Nissitissit River, Nashua River, and Dunklee Pond.
  - iv. **RESIDENTIAL AND AGRICULTURAL ZONE (R&A):** To include those areas as shown on the official Hollis Zoning Map.
  - v. **RURAL LANDS ZONE (RL):** To include those areas as shown on the official Hollis Zoning Map.
  - vi. **TOWN CENTER ZONE (TC):** To include that area as defined on the official Hollis Zoning Map.

- vii. **WATER SUPPLY CONSERVATION ZONE (WSC):** To include all of the area between Proctor Hill Road and the Recreational Zone west of Silver Lake delineated by the U.S.G.S. as having a stratified drift aquifer, and as delineated by the Aquifer Protection Overlay Zone (APO); also, to include the area of Map 17, Lot 12 and the area between the delineated aquifer and the intersection of Proctor Hill Road and Rocky Pond Road.

## B. OVERLAY ZONING DISTRICTS

- 1. **AQUIFER PROTECTION OVERLAY ZONE (APO):** To include those areas indicated as having stratified drift aquifers, as shown on maps produced by the U.S. Geological Survey as part of its study, Hydrogeology of Stratified-Drift Aquifers and Water Quality in the Nashua Regional Planning Commission Area South-Central New Hampshire, 1987, and as delineated on the map, "Stratified Drift Aquifers, Town of Hollis, NRPC, 1991."

- viii. **FLOOD PLAIN OVERLAY ZONE (FPO):** To include land within the 100-year flood boundary as shown on the Flood Insurance Rate Map for the Town of Hollis, NH, published by U.S. Department of Housing and Urban Development, Federal Insurance Administration, effective 16 April 1979. Community Panel Numbers 330091 0005 B and 0330091 0010 B.

**WETLAND CONSERVATION OVERLAY ZONE (WCO):** To include wetlands, surface waters, hydric soils, and a buffer zone of one hundred (100) feet around these wetlands, hydric soils and surface waters. All measurements for determining the buffer zone, which are under the jurisdiction of the Town of Hollis, shall be taken from the mean high-water mark of a surface water, the delineated edge of a wetland, or the limits of hydric soils (whichever is most restrictive).

**MULTI-FAMILY ZONE:** To include those land areas zoned R & A located east of the Nashua River.

## C. COPIES OF ZONING MAP

Regardless of the existence of other printed copies of the zoning map, which from time to time may be made or published, the official zoning map shall be located in the Office of the Planning Board and shall be signed by the Chairman of the Planning Board. Where there is conflict between the official zoning map and the text of this ordinance, the text of this ordinance shall control and shall be the final authority as to current zoning status of the land and water areas, buildings, and other structures in the Town.

## D. BOUNDARIES

- 1. **LOCATION OF BOUNDARIES:** Boundaries shown within the lines of roads, streams, and transportation rights-of-way shall be deemed to follow the center lines. The abandonment and non-use of roads shall not affect the location of such boundaries. When the Building Inspector cannot definitely determine the location of a boundary by such center lines, by the scale or dimensions stated on the zoning map, or by the fact that it clearly coincides with the property line, s/he shall refuse action, and the Board of Adjustment, upon appeal, shall interpret the location of the boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this ordinance.

### xi. LOTS DIVIDED BY A ZONING DISTRICT BOUNDARY

- 1. The Zoning Board of Adjustment may grant by Special Exception a reasonable extension of the regulations of either District over a lot divided by a district boundary line, when all parts of such lots are held under the same ownership at the time of the passage of this paragraph of this Ordinance. This shall not, however, allow for the extension of other district regulations into either the Recreational or Water Supply Conservation Districts, and it shall not relieve an owner of meeting the standards of any overlay zone.
- 2. The standards of an overlay zone shall only apply to that portion of a lot where the overlay zone appears.

## SECTION VIII: DEFINITIONS

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

**ACCEPTABLE LAND:** Acceptable land is land which consists of the following soil drainage classes: excessively drained, well drained and/or moderately well drained. These soil drainage classes are considered acceptable because they indicate soils that have slight to moderate limitations for building site and leach field development. The remaining soil drainage classes and delineated wetlands indicate soils that have severe limitations for building site and leach field development because they have a high-water table or are otherwise unsuitable for development because of wetland and hydric conditions. Soil information shall be determined, at the Planning Board's discretion, by a certified soil scientist in accordance with Site Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Publication No.3, 1997. Please see the buildable lot definition for the amount of acceptable land required in each type of residential lot found in Hollis.

**ACCESSORY BUILDING OR USE, CUSTOMARY:**

- a. A customary accessory building or use is one which:
  - (i) is secondary to and serves the principal building or principal use;
  - (ii) is secondary in area, extent, or purpose to the principal building or principal use served;
  - (iii) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
  - (iv) is located on the same lot as the principal building or principal use served; and
  - (v) contributes activity to the principal use;
- b. Attached garages, porches and other appenditures, and other attached structures are considered a part of the principal building and are not considered an accessory building or use;
- c. All accessory structures greater than 250 square feet building footprint or greater than 12 feet in height must comply with the setback requirements for principal buildings.

**AGRICULTURAL ENTERPRISE:** Any duly-permitted farm, agricultural or farming activity as defined in NH RSA 21:34-a.

**ALTERNATIVE TREATMENT CENTER:** An "alternative treatment center" as defined in RSA 126-X:1, I, namely, a not-for-profit entity registered under RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients and alternative treatment centers. Alternative Treatment Centers are defined as one of two types of facilities:

- a. **Alternative Treatment Center - Cultivation Location:** A "cultivation location" as defined in RSA 126-X:1, IV, namely, a locked and enclosed site under the control of an alternative treatment center where cannabis is cultivated, secured with one or more locks or other security devices in accordance with RSA 126-X and the Department of Health and Human Service's administrative rules.
- b. **Alternative Treatment Center - Non-Cultivation Location:** An alternative treatment center operated in accordance with RSA 126-X and the Department of Health and Human Services administrative rules that has a separate location for the cultivation of cannabis.

**APPLICABLE ACRES:** Applicable acres refers only to undeveloped land. Land within the minimum lot area of a residence on a developed lot, areas within required buffers, required recreation lands or open space, lands within road ways or public rights-of-way, and sand and gravel excavations shall be considered to be developed land for the purposes of this ordinance. Conservation lands or agricultural lands shall not be considered developed land for the purposes of this ordinance.

**ARTERIAL STREET:** Arterial streets serve to move large volumes of traffic through a town or to connect one section of town with another section. These streets include and are limited to: NH Route 111 & 111A, NH Route 130, NH Route 122, NH Route 101A, Broad Street and Depot Road.

**BACKLAND LOTS:** Lots which have a reduced minimum frontage requirement, but which have a greater minimum lot size requirement and which can be serviced by a private driveway leading to a public road.



**BED AND BREAKFAST:** A Bed and Breakfast is defined as a transient lodging facility, that is the personal residence of its owner, is occupied by the owner at the time of rental to a patron, and in which the only meal served is breakfast to in-house patrons. Residents, patrons and non-resident employees must be provided with off-street parking. The bed and breakfast must also comply with all state regulations and have an adequate septic system.

**BUILDABLE LOT:** A lot will be deemed buildable for residential purposes when it contains a minimum of one and one-half (1 1/2) contiguous acres of acceptable land which is not divided by utility easements, rights-of-way or waterways. HOSPD lots are required to contain a minimum of one contiguous acre of acceptable land. For all lots, the contiguous area of acceptable land must be able to contain a Building Area. The Planning Board reserves the right to require that a Site-Specific Soil Map be performed for any lot, or portion of a lot, in a subdivision for which Planning Board approval is sought.

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

**CLUSTER HOUSING:** Cluster housing is an attached unit housing style where common, soundproof and fireproof walls vertically join the separate units, which are side by side. No separate dwelling units may be placed one above the other.

**CONGREGATE CARE FACILITY:** An elderly housing development with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services appropriate for the residents.

**DENSITY:** The quantity of dwelling units per acre.

**DWELLING UNIT:** A dwelling unit is a single residential unit of living space, with its own living area, sleeping area, bathroom, and facilities for cooking, approved for occupancy by the Town of Hollis. Dwelling units may be attached, as in accessory dwelling units, apartments, or multifamily configurations, or detached single family structures

**DWELLING, ATTACHED:** A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has no less than 2 exterior walls fully exposed and not in common with the exterior walls of any other unit.

**DWELLING, SINGLE FAMILY:** A dwelling unit which is unattached to any other dwelling unit.

**DWELLING, TWO FAMILY:** Two dwelling units attached, designed, arranged, or used exclusively for 2 families living independently of each other. This definition does not include accessory apartments.

**EARNED RIGHT:** Building Rights earned by a record holder based on the ownership of land within Hollis during the building year.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities, municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

**EXTERIOR STORAGE:** The outdoor storing of equipment or materials on a permanent or long-term basis without permanent protection from the elements, such that these materials or equipment are in plain view from surrounding properties. This does not include registered personal vehicles or one registered business vehicle per residence.

**FAMILY:** One or more persons occupying the premises and living as a single housekeeping unit.

**FARM STAND:** An Agricultural Enterprise which displays and sells agricultural products raised, produced and processed on the premises, and which may include a Structure(s) used in the operation. All Farm Stands Structures must be set back at least 35 feet from the adjacent Public Road and have adequate off-street parking. A Farm Stand shall remain an Agricultural Enterprise and shall not be considered a commercial use, provided that at least 35% of the products sales in dollar volume are attributable to products produced on the farm or farms of the stand owner. Owners

of Farm Stands, based upon review by town staff, may be required to obtain site plan review approval from the Planning Board.

**FLEA MARKET:** An informal market place for sellers of used and new goods. Usually a seasonal operation, with open air tables and stands.

**FLOATING ZONE:** A floating zone refers to flexible regulations which may be overlaid on any residential zone. The regulations of a floating zone (i.e., HOSPD) may vary the normal requirements of the zone overlaid.

**FLOOD: 100-Year Frequency:** The highest level of flooding that, on the average, is likely to occur once every 100 years, according to studies performed for the National Flood Insurance Program and adopted by the Town.

**FLOOD PLAIN OR FLOOD PRONE AREA:** Any normally dry land area that is susceptible to being inundated by water from any source, as defined under the Flood insurance rate maps.

**FRONTAGE:** That continuous portion of a lot line bordering on a highway, street or right-of-way of class V or better, capable of providing the principal route of access to the lot in a manner that meets all Town of Hollis land-use ordinances and regulations without requiring any waivers there from.

**FRONT YARD:** An open unoccupied space extending for the full width of a lot between the extreme front line of the building thereon and the nearest existing edge of the public road.

**HOME OCCUPATION:** Professional occupations or those occupations traditionally carried on in the home.

**HOSPD:** A Hollis Open Space Planned Development (HOSPD) is a floating zone development standard for land subdivision where the density of dwelling units is no greater than that which would be permitted in the district in which the HOSPD is located, but where the lot size and other dimensional standards may be reduced in exchange for the preservation of permanently-protected open space, recreational land, forests, and/or farmland.

**IMPROVED LAND:** Land that is occupied by a principal or accessory structure, utilities, roads or driveways suitable for automobiles, or other manmade improvements, including impervious surfaces, related to occupation of the land for habitation or commercial uses.

**JUNK:** Any old metal, bottles, paper, plastic, or rubber products, cotton or woolen wastes, two or more unregistered motor vehicles which are unfit for use on the highways, used parts and materials of motor vehicles, the accumulation of which is detrimental or injurious to the neighborhood.

**LANDSCAPE MATERIALS YARD:** A facility for the processing, storage and sale of landscaping materials including loam, landscape stone of various sizes, mulch, stumps and brush, sawdust and compost. The property on which the proposed use will operate shall be a minimum of 30 acres, consisting of one or more contiguous lots under common ownership.

**LEASABLE AREA, GROSS:** The total floor area designed for tenant occupancy and exclusive use, measured from the exterior walls and including all tenant-related interior space, but not to include common areas accessible to more than one tenant and which are not directly related to the tenants' business.

**LOT:** A parcel of land or any combination of several contiguous lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access, yards, and open space required under this ordinance.

**LOT OF RECORD:** A parcel of land described according to a specific plat, survey or deed which has been officially accepted under the terms of this ordinance and any other applicable ordinances and regulations of the Town and statutes and regulations of the State, and recorded in the Hillsborough County Registry of Deeds.

**LOW-INCOME HOUSING:** Housing developed to remain affordable for a period of not less than twenty (20) years to households with gross annual incomes at or below 80% of the median household income for the Nashua PMSA.

**MAJOR COLLECTOR STREET:** Collector streets act to feed traffic to and from local roads and Arterials. Collector roads provide direct access to abutting properties and distribute it to or from Arterials. South Merrimack Road is a Major Collector Street.

**MOBILE HOME:** Any mobile structure which is intended, designed, and used for the permanent or temporary residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this ordinance, the removal of wheels and/or the attachment of a foundation to said mobile structure shall not change its classification. Double width mobile structures, which are

fabricated on individual chassis with wheels and are designed to be joined, shall be considered a mobile home for purposes of this ordinance.

**MODERATE-INCOME HOUSING:** Housing developed to remain affordable for a period of not less than twenty (20) years to households with gross annual incomes at or below 100% of the median household income for the Nashua PMSA.

**NET TRACT AREA:** The net tract area of the parcel is determined based on the predevelopment 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.

**MULTI-FAMILY DWELLINGS:** Three (3) or more dwelling units attached, designed, or arranged as separate housekeeping units.

**NONCONFORMING LOT:** A lot which was lawfully created but which does not conform to the current minimum dimensional requirements specified for the zone in which it is located.

**NONCONFORMING USE OR STRUCTURE:** An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not conform to all of the current terms and standards contained in this ordinance.

**OPEN SPACE:** Any area of essentially unimproved land designated on a plan as reserved for public or private use.

**PUBLIC ROAD:** A road or highway approved or maintained by the Town or State of New Hampshire including any federal Highway.

**RECORD HOLDER:** A legal owner of record with clear title to any land in the Town of Hollis, NH.

**RESTAURANT, GENERAL:** An establishment in which food is prepared and served and customers' orders are taken and served at dining tables or a dining counter; a single inside takeout station, serviced by one cash register, shall be allowed. This definition excludes those uses defined by "Fast-Food Restaurant."

**RESTAURANT, FAST FOOD:** An establishment for the sale of food or drink prepared on or off premises and served in disposable containers or wrappers for immediate consumption on or off premises unless such sales are wholly incidental to a General Restaurant or other permitted use. Orders are taken and served at a service counter, and table service is not regularly provided. This definition shall include any establishment utilizing either 'drive-in' or 'drive-through' service.

**RETIREMENT COMMUNITY:** A large-scale elderly housing development that includes recreational facilities specifically designed for the residents of the development, and that may also include the following: congregate care facilities, medical facilities for the care of the residents of the development; commercial establishments intended to serve the needs of the residents of the development. Retirement communities shall accommodate the needs of an older population seeking living arrangements capable of providing a continuum of care in a campus setting

**SETBACK:** The minimum distance between the nearest portion of a building or structure, a lot line, a right-of-way line, a leach field, a well, or a terrain feature such as shoreline or wetlands area. Setbacks are required in this ordinance to support the purposes of Zoning Ordinances as specified in state law. (2020)

**SEASONAL AGRICULTURAL SIGN:** Sign displayed by an agricultural enterprise during the harvest season for the on-site sale of the enterprise's site-grown product. Such sign may be either off-premises or on-premise.

**SIGN:** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed, attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors, or indoors as a window sign, for recognized advertising purposes. See sign ordinance for other definitions.

**SITE SPECIFIC SOIL MAP:** A map developed from information prepared in accordance with Site Specific Soil Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Publication No. 3, 1997, as amended.

**STRUCTURE AND/OR BUILDING:** That which is erected or assembled using a combination of materials for occupancy or use, whether portable or affixed to the ground. This includes structures of permanent or temporary

construction, plastic, fabric, and/or canvas covered frame structures, structures for agricultural uses, structures installed on skids, blocks or permanent foundations and all sheds and storage facilities. All structures will require a building permit. Structures shall not include fences, basketball and tennis courts.

**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 must be deemed a subdivision.

**TEMPORARY STRUCTURE:** A structure, which is designed, built, created or occupied for short and/or intermittent periods of time. This shall include, but is not limited to, plastic, fabric, and/or canvas covered frame structures. All temporary structures will require a building permit. Temporary structures shall comply with all applicable setbacks, except as noted in the Farm Stand definition, and/or height requirements for accessory or principal structures, as outlined in Section X. Zoning Districts. Structures which are in use for a period of less than 7 days are exempt from the permit requirement. Temporary structures located within the Historic District shall be appropriately screened from public view and must obtain prior approval from the Historic District Commission.

**TRAILER PARKS:** An area set aside for occupancy and use by house trailers or mobile homes.

**TOWN RIGHTS:** The rights to residential building permits earned by the Town of Hollis based on the total applicable acreage under Town ownership.

**UNALTERED SLOPES:** Slopes that are unaltered by human activity since December 1, 1999, except for legally permitted uses such as gravel pits.

**UNIMPROVED LAND:** Land that has not been developed with a principal building or other structures, utilities, roads or driveways suitable for automobiles, or other manmade improvements, including impervious surfaces, related to occupation of the land for habitation or commercial uses.

**USE, PERMITTED:** A use, which may be lawfully established in a particular zone, provided it conforms with all requirements of such zone.

**WETLAND:** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions, does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas. For the purpose of determining buffer zones for site plan and subdivision review, wetland boundaries shall be delineated by either a certified soil scientist or a professional wetland scientist according to the Corps of Engineers Wetlands Delineation Manual, 1987, and the Regional Field Indicators for Identifying Hydric Soils in New England, 1998.

## **SECTION IX: GENERAL PROVISIONS**

### **A. DAMAGED STRUCTURES**

No owner of land in any district shall permit fire or other ruins to be left, but shall remove the same to ground level, or repair or rebuild the structure within one year from written notice from the Board of Selectmen.

### **B. JUNK STORAGE**

No place for the storage of junk shall be maintained in any district. See Definitions, Section VIII.

### **C. MOBILE HOMES**

Mobile homes shall be permitted in the Mobile Home-1 (MH-1) Zone and in the Mobile Home-2 (MH-2) Zone as allowed in Section VIII or for those persons who are in the process of building a new home or rebuilding one which was destroyed by fire or other involuntary acts. Before use of a mobile home, except in the MH-1 or MH-2 Zones, a permit must be obtained from the Building Inspector for a 12-month period, with one 6 month extension allowable for demonstrated hardship only. No further extension may be granted. Upon receipt of a permit annually renewable by the Building Inspector, an unoccupied mobile home (excluding recreational vehicles) may be stored on its owner's property, but not within 25' of a public right of way or within 35' of front lot lines or within 15' of side and rear lot lines. The Building Inspector shall determine a reasonable location on the property for such storage.

### **D. ONSITE WASTEWATER TREATMENT**

1. No cesspool, or sewage disposal leach field, including the associated limits of disturbance, shall be constructed less than one hundred (100) feet from wetlands and surface waters or from wells. Septic tanks must be at least seventy-five (75) feet from a private water supply well. No cesspool, septic tank or sewage disposal system shall be constructed within seventy-five (75) feet of drainage swales and/or stormwater detention basins.
2. No waste waters or sewage shall be permitted to run free into wetlands or surface waters or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
3. All sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the Department of Environmental Services.
4. Where ledge and high seasonal water tables are involved, at least four (4) feet of in-place soil shall exist above ledge, or any other impermeable strata and two (2) feet of in-place soil shall exist above the seasonal high water mark before fill. In the Aquifer Protection Overlay Zone, at least four (4) feet of in-place soil shall exist above the seasonal high-water table before fill, and the bottom of the leaching field shall be at least six (6) feet above the seasonal high water table.
5. The Town Septic Inspector may waive the provisions of this section for the repair or replacement of pre-existing septic systems.

### **E. IMPERMEABLE SURFACES AND BUILDING COVERAGE**

Impermeable surfaces shall include buildings, paved and unpaved vehicular access and parking areas, and any other area generally incapable of percolating water at a rate comparable to dry uncompacted ground.

1. Impermeable surfaces may cover no more than the following percentages of a lot in the indicated district:
  - a. Industrial (I) and Commercial (C): 60%
  - b. Agriculture & Business (A&B): 50%
2. Buildings may cover no more than the following percentages of a lot in the indicated district:
  - a. Industrial (I) and Commercial (C): 50%
  - b. Agriculture & Business (A&B): 35%
3. Except for the Industrial Zone, impermeable surfaces may cover no more than 15% of any lot in the Aquifer Protection Overlay Zone and the Wetland Conservation Overlay Zone.
4. In all other districts, maximum impermeable surface coverage shall be 25%.

5. Where Planning Board review is required, new development shall be permitted by the Planning Board only upon provision by the developer of mitigation measures designed to maintain stormwater runoff at the same level as before the new development. The Planning Board may, at its discretion, require greater mitigation measures. Mitigation measures shall consider both the need to control stormwater flow and the need to enhance infiltration/groundwater recharge.
6. For other standards relating to open space, see Hollis Open Space Planned Development, XX.

**F. SWIMMING POOLS, OUTDOOR STORAGE TANKS, COMMERCIAL FISHING PONDS**

Any facility for water recreation such as private swimming pools, outdoor water storage tanks, swimming clubs, and commercial fishing ponds, or any other water storage facility such as reservoirs, fish hatcheries, lobster ponds, and sewage lagoons shall comply with the following requirements:

1. The facility shall conform with the setback requirements for principal buildings. Except for in-ground swimming pools which shall conform with the setback requirements for an accessory structure.
2. Any swimming pool shall be enclosed by a fence no less than four (4) feet high with a self-closing gate to prevent uncontrolled access.
3. The facility, if operated to attract visitors, shall comply with parking requirements established under this ordinance.
4. All swimming pools require a building permit from the Hollis Building Inspector.
5. Where appropriate and necessary, in the opinion of the Building Inspector, the applicant will be required to provide a bond of a minimum of \$2,000 for an in-ground swimming pool or \$500 for an above-ground swimming pool, or other amount as set by the Building Inspector, as security for the proper construction of a fence around the area of the swimming pool as required by the Town's building code.

**G. OFF STREET LOADING**

1. **SPACES REQUIRED:** Every non-residential building or structure, which is used for acceptance or distribution of materials or merchandise by vehicles, and having up to 5,000 square feet of gross floor area, shall provide at least one loading and/or unloading space. One additional space shall be provided for every additional 10,000 square feet of gross floor area in the building. If it can be shown that these requirements are too restrictive for the operation in question, the Planning Board may reduce these requirements during its site plan review.
2. **SIZE OF OFF-STREET LOADING SPACE:** Each off-street loading space shall be at least 12 feet in width and at least 60 feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least 14 feet; however, when it is demonstrated that a particular loading space will be used by shorter trucks, the minimum length may be reduced to 35 feet.
3. **LOCATION:** All required loading and/or unloading spaces shall be located on the same lot as the use served. No loading space for vehicles over 2-ton capacity shall be closer than 50 feet to any property in a residential zone unless completely enclosed by a fence, wall, or screen that will serve as an effective barrier to sound and exhaust.
4. **OFF-STREET LOADING SPACES** shall be designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the use. Off-street loading spaces shall not hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway, or deeded rights-of-way.
5. **ENLARGEMENT OF BUILDINGS:** The off-street loading requirements, shall apply at any time any building is enlarged or increased in capacity.
6. **SCREENING:** Parking and loading areas shall be screened from adjacent residentially-zoned properties, as required by Section IX.I.

**H. SCREENING**

1. Screening shall be provided for visual separation of incompatible uses as required in each zone. When screening is required, it shall provide a reasonably effective year-round visual buffer by:
  - a. Use of existing vegetation and terrain where possible or,
  - b. New plantings, grade separations, fences.
2. Where screening is required, it must be approved by the Building Inspector before issuance of a certificate of

occupancy. For non-residential projects, screening shall be reviewed by the Planning Board during its site plan review procedure.

**I. HEIGHT REGULATIONS:**

1. **MAXIMUM HEIGHT:** Structures shall not exceed 38 feet in height in any district.
2. **EXCEPTIONS:**
  - a. Non-residential farming structures.
  - b. Non-residential structures such as church spires, utility and communication towers, smoke stacks, cupolas, etc.
  - c. Commercial and industrial structures if approved by the Planning Board according to its Site Plan Review Regulations.
3. **METHOD OF MEASUREMENT:** Height shall be measured vertically from the average elevation of the finished grade within 5 feet of the structure to the highest point on the roof.
4. **BUILDING PERMITS:** A single building permit shall be issued for each structure, irrespective of the number of attached dwelling units within each structure.
5. **MINIMUM SAFETY STANDARDS**
  - a. The development shall meet all applicable building codes and life safety codes that have been adopted by the Town of Hollis, as well as other State and Federal statutes and regulations.
  - b. The Planning Board and/or Building Inspector may make requirements that exceed Federal and State requirements.

**J. NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT**

One single family dwelling unit, or one 2 family dwelling unit, as the case may be, may be constructed on a single lot, except under the provisions of the accessory dwelling units, elderly/disabled housing, and condominium sections of this Ordinance, where the number of dwelling units which may be permitted on a lot is determined by a Special Exception granted by the Board of Adjustment and/or approval by the Planning Board under its Site Plan Review Regulations, as required.

**K. ACCESSORY DWELLING UNITS** (*Adopted March 1993, Amended March 2017*)

1. **PURPOSE:** For the purpose of providing expanded housing opportunities and flexibility in household arrangements, accessory dwelling units (in-law apartments) shall be permitted by special exception granted by the Board of Adjustment in any district in conformance with these regulations.
2. **DEFINITION:** As defined by RSA 674:71 as amended “Accessory Dwelling Unit” means a residential living unit that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
3. **REQUIREMENTS/LIMITATIONS:**
  - a. Accessory dwelling units are intended to be secondary and accessory to a principal single-family dwelling unit. In granting a special exception, the Board of Adjustment must find that the secondary dwelling unit is developed in a manner which does not alter the character or appearance of the principal dwelling unit as a single-family residence. Only one accessory dwelling unit shall be allowed per principal dwelling unit and/or lot. The accessory dwelling unit shall have a separate house number from the principal dwelling.
  - b. There shall be no exterior alterations, enlargements, or extensions of the structure which alter its character or appearance as a single-family residence (or other detached accessory structure, when applicable). Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
  - c. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size.
  - d. Detached accessory dwelling units are only allowable when located on a lot that has twice the minimum lot size required in the applicable district for that type of lot (e.g., backland lot). Detached accessory dwelling

- units cannot be converted to a principal dwelling unit.
- e. An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet measured by the outside dimension of the exterior wall or the interior dimension of a common wall. An attached accessory dwelling unit shall occupy no more than 30 % of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.
  - f. Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling units. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling units and principal dwelling units must share internal heated living space access through a common wall.
  - g. The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.
  - h. Adequate off-street parking shall be provided.
  - i. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
  - j. The use of an ADU shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding houses. This limitation includes short-term rentals (less than four weeks at a time) of dwelling units. Short-term rentals are only authorized as specifically provided for Bed and Breakfast (Inn) establishments.
4. **EXISTING NONCONFORMING ACCESSORY DWELLING UNITS:** To be considered a nonconforming use, an accessory dwelling unit must have either:
- a. Been constructed or installed prior to January 21, 1952, or
  - b. Have otherwise been legally granted a building permit or certificate of occupancy between the year 1952 and the date of passage of the occupancy dwelling unit amendment.
5. **EXISTING ILLEGAL ACCESSORY DWELLING UNITS:** Accessory dwelling units constructed after January 21, 1952 and before March 1992, which do not have either a building permit or certificate of occupancy, shall apply to the Building Inspector for a determination of compliance with Section IX.K.3 Applications shall be accompanied by the filing fee, plans and other documentation requested by the Building Inspector to enable him/her to evaluate compliance with Section IX.K.3 The Building Inspector shall issue one of the following:
- a. A determination of compliance with Section IX.K.3 and a certificate of occupancy;
  - b. A conditional determination of compliance with Section IX.K.3 and a description of the corrective changes needed to bring the accessory dwelling unit into compliance. The required changes shall be completed within 90 days of the date of the determination of conditional compliance. Upon successful completion of the required changes, the Building Inspector shall issue a certificate of occupancy; or
  - c. A determination of non-compliance with one or more of the requirements of Section IX.K.3, together with a listing of those requirements and conditions for which compliance cannot be achieved through corrective changes.
6. **FAILURE TO COMPLY:** If an owner fails to comply with the requirements of this section, the use of the accessory dwelling unit shall be terminated within 6 months of the date of notice from the Building Inspector. The owner shall be subject to penalty under RSA 676:17 for each day the accessory dwelling unit fails to comply with the requirements of this section after March 31, 1994.
7. **OWNER OCCUPIED:** The principal dwelling unit or the Accessory dwelling unit shall be owner occupied. If the property owner cannot comply with this provision due to hardship such as but not limited to, job relocation or a medical/family emergency; the owner may apply to the Board of Adjustment for a Special Exception. Such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief granted be greater than two years.



**L. SITE PLAN REVIEW**

Pursuant to RSA 674:43, the Planning Board shall review and approve or disapprove site plans for the development or change or expansion of use of tracts for nonresidential uses or for multi-family dwelling units, which are defined as any structures containing more than two (2) dwelling units, whether or not such development includes a subdivision or re-subdivision of the site. A complete site plan review may be waived by the Planning Board when a proposed new use is similar in scope to the previous one.

**M. MAXIMUM DRIVEWAY SLOPE**

All new driveways established to serve structures intended for human occupancy shall have a maximum grade of 8%. The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. This standard shall not apply to driveways intended to serve non-occupancy structures, such as utility service buildings, and other private ways intended for purposes such as logging, silviculture, agriculture, and recreational access.

**N. UNREGISTERED VEHICLES**

No more than one disabled or unregistered motor vehicle shall be visible from public view on any property, other than a permitted business in that zone. Registered vehicles shall have current inspections.

**O. DETERMINATION OF DENSITY FOR CONDOMINIUM DEVELOPMENTS.**

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

**P. CONDITIONAL USE PERMIT- LANDSCAPE MATERIALS YARD**

1. **PLANNING BOARD TO ADMINISTER:** Wherever a conditional use is authorized by this ordinance, the authority to administer or grant conditional use permits shall be vested in the Planning Board.
2. **APPLICATION AND REVIEW PROCEDURE:** An Application for a conditional use shall be initiated by filing with the Planning Board for an application for a conditional use permit. The following procedures shall apply to the processing of such application:
  - a. Site Plan Approval Required. A site plan application shall be submitted with any application for a Conditional Use Permit. The application and review procedure for a conditional use permit shall be made concurrently and in accordance with the Site Plan Regulations as applicable to the particular development.
3. **STANDARDS OF REVIEW:** Following a fully noticed public hearing on the proposed use, the Planning Board may issue a conditional use permit, if it finds, based on the information and testimony submitted with respect to the application, that:
  - a. The use is specifically authorized by Section X.G. as a conditional use;
  - b. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board. In considering the proposal, the Planning Board will consider all requirements of the Site Plan Regulations in particular (but not limited to) those set forth in Section IV.2.C,D,E and F;
  - c. The use will not materially endanger the public health or safety;
  - d. The use will not have a substantial adverse impact on highway or pedestrian safety;
  - e. Access to the site shall be achieved from frontage on a State road;
  - f. Appropriate Best Management Practices shall be employed to address all processes associated with a Landscape Materials Yard.

**Q. CONDITIONAL USE PERMIT- ALTERNATIVE TREATMENT CENTERS**

1. **AUTHORITY:** Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for Alternative Treatment Centers (Cultivation and Non-Cultivation Locations) within the Industrial

District. (Rt. 130 – Industrial District Only)

2. **PURPOSE & INTENT:** The purpose of this Section is to implement NH RSA 126-X, authorizing the use of therapeutic cannabis and to regulate the locations and operations of Alternative Treatment Center uses so as to promote and protect the public health, safety, and welfare of the residents of Hollis. The intent of this Section is to:
  - a. Provide for the safe sale and distribution of therapeutic cannabis to patients who qualify to obtain, possess, and use cannabis for medical purposes under RSA 126-X and as managed by the New Hampshire Department of Health & Human Services; and
  - b. Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, building safety, neighborhood and patient safety, security for the business and its personnel and other health safety concerns.
3. **STANDARDS OF REVIEW:** Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that:
  - a. The use is specifically authorized by Section X Zoning Districts as a conditional use;
  - b. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board.
  - c. The use will not materially endanger the public health or safety;
  - d. The use shall provide adequate vegetative buffering to ensure adjacent property values are not adversely impacted. Buffering may be provided by maintaining existing vegetation or through the installation of site-specific landscaping or a combination of both. The buffering shall be of such quality & quantity as to adhere to and meet the Objectives of the Hollis Rural Character Preservation Ordinance.
  - e. In granting a conditional use permit pursuant to this section, the planning board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.
4. **MINIMUM CONDITIONS:** If the planning board grants a conditional use permit pursuant to this section, any such use shall be conducted in a manner compliant with any conditions imposed by the planning board as well as the following minimum standards:
  - a. An Alternative Treatment Center shall not be located within a pre-existing designated drug free school zone or within 1,000 feet of the property line of a pre-existing public or private school and daycare facility; and
  - b. The Alternative Treatment Center shall be located in a permanent structure and may not be located in a trailer, manufactured home, cargo container, or any structure that has axles with wheels. Drive-Thru services at an Alternative Treatment Center are prohibited; and
  - c. The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers; and
  - d. The applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the Hollis Police Department; and
  - e. The use of cannabis on the premises is prohibited; and
  - f. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot lines of the property where the facility is located.
  - g. Official written comments shall be received from both the Fire Chief and Police Chief.
  - h. Alternative Treatment Centers that have received a Conditional Use Permit and Site Plan approval from the Planning Board shall be subject to the applicable requirements of the NH Health & Human Services Department (DHHS) Administrative Rules He-C 400, as most recently published or amended by DHHS) pertaining to Advertising Restrictions.
  - i. An Alternative Treatment Center shall not be allowed as a Home-Based Business.

**R. *PLANNED UNIT DEVELOPMENT (PUD) SETBACK REQUIREMENTS***

For those residential subdivisions that were approved by the Planning Board under the former Planned Unit Development ordinance (pre 1993), building setback requirements shall adhere to the Building Setbacks provisions outlined in Section XX Hollis Open Space Planned Development, Section 5e Building Setbacks.

**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.

## **SECTION X: ZONING DISTRICTS**

### **A. AGRICULTURAL AND BUSINESS ZONE (A&B)**

**INTENT:** The Agricultural and Business Zone is intended to provide for an accessible, well planned area for local community shopping functions. Clusters of shops or small scale shopping centers as well as individual shops are encouraged for this zone. Large regional shopping type uses, such as department stores, are not permitted. In addition, the wholesale/retail sale of vehicle fuel is prohibited.

#### **1. PERMITTED USES IN THE AGRICULTURAL AND BUSINESS ZONE:**

- a. Agricultural uses  
Also, the following retail sales or services are permitted:
- b. Antique shops
- c. Art supply and gallery sales
- d. Bakeries
- e. Banks
- f. Barber shops
- g. Beauty shops
- h. Book or stationary stores
- i. Camera and photo supplies
- j. Candy, soda fountain, or ice cream stores
- k. Clothing stores
- l. Craft or hobby shops
- m. Delicatessens
- n. Drug stores
- o. Dry cleaners
- p. Florist shops
- q. Furniture stores
- r. Food store/local supermarket
- s. Funeral Home
- t. Gift or notion shop
- u. Glass, china, jewelry stores
- v. Garden shops
- w. Home produce - may be bought, sold, and exposed for sale
- x. Hardware stores
- y. Laundromat
- z. Music stores
- aa. Offices (professional, medical, business)
- bb. Paint and wallpaper stores
- cc. Personal and professional service operations, except tattoo parlors
- dd. Police and fire stations
- ee. Post Office

- ff. Recreational equipment
- gg. Repair shops
- hh. Restaurants, General
- ii. Shoe stores
- jj. Single family residences
- kk. Small appliance stores
- ll. Studios for professional work (art, dance, photography)
- mm. Tailor shops
- nn. Utilities: essential services
- oo. Mixed-Use Occupancy - a permitted business or commercial use along with a dwelling unit(s) that occupies up to 50% of the total heated above-grade floor area of the building, provided all other ordinance and regulation requirements are met.
- pp. Temporary structures.
- qq. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.
- rr. Private Schools and Day Cares

**2. OTHER RELATED PERMITTED USES IN THE AGRICULTURAL AND BUSINESS ZONE:**

- a. ~~Housing for Older Persons~~ (Removed by vote March 2023).

**3. SPECIAL EXCEPTIONS IN THE AGRICULTURAL AND BUSINESS ZONE**

- a. Home based businesses as defined and described in Section XXII.
- b. Accessory dwelling units according to Section IX.K.

**4. ACCESSORY USES PERMITTED IN THE AGRICULTURAL AND BUSINESS ZONE:**

- a. Uses, which are customary accessory uses to a legal conforming use in this zone, providing site plan approval is given by the Planning Board.
- b. Signs as regulated in Section XIV.

**5. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE AGRICULTURAL AND BUSINESS ZONE:**

- a. Mixed-Use Occupancy II – A permitted business or commercial use along with a dwelling unit(s) that occupies up to 50% of the total heated above-grade floor area of the building, provided all other ordinance and regulation requirements are met. Dwelling units occupying 100% of the total above-grade floor area of a building may be permitted, provided that 25% of the total units are workforce housing units/renter occupied, according to the provisions detailed in Section XVIII, Workforce Housing Ordinance.
- b. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**6. PROHIBITED USES:**

- a. Manned Aircraft landings and take offs.

**7. AREA AND HEIGHT REQUIREMENTS IN THE AGRICULTURAL AND BUSINESS ZONE (Amended 1994): (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction).**

- a. **MINIMUM LOT SIZE:** 3/4 acre for individual businesses. Clusters of shops require three-quarter 3/4 acre minimum plus adequate space to meet all parking, loading, setback and open space requirements of this ordinance; for residences the minimum lot size shall be 2 acres per dwelling unit, except as provided in

section X.A.1.qq above.

- b. **MINIMUM FRONT YARD SETBACK:** 50 feet from public roads, 25 feet from internal roads.
- c. **MINIMUM SIDE YARD:** 15 feet; 35 feet when abutting a residential zone.
- d. **MINIMUM REAR YARD:** 15 feet; 35 feet when abutting a residential zone.
- e. **MAXIMUM BUILDING HEIGHT:** 38 feet. (Section IX.I)
- f. **FRONTAGE:** 100 feet.
- g. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.

**BACKLAND LOTS:**

- (i) Backland lots for commercial uses shall be at least 1.5 acres; backland lots for residential uses shall be at least 4 acres.
  - (ii) On public roads, a minimum frontage of 20 feet must be provided for each backland lot.
  - (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.
- h. **MAXIMUM COMMERCIAL BUILDING SIZE:** 12,000 square feet total floor area.

**8. OTHER DEVELOPMENT REGULATIONS IN THE AGRICULTURAL AND BUSINESS ZONE:**

a. **PARKING:**

- (i) **Adequacy.** Adequate off-street parking facilities shall be made available for workers and the patrons of businesses with drives and roadways with clear visibility and non-hazardous access to the public road. Parking requirements and required loading and unloading areas and design standards must conform to Sections IX,H and I and Planning Board's site plan review.
  - (ii) **Location and Design.** Parking for all uses except single family residences shall be laid out in a manner that minimizes visual impact from the public way. In all cases, establishment of parking areas in the front of commercial buildings shall not be permitted, unless parking in the rear, which is preferable, or on the sides is not possible, as determined by the Planning Board. Landscaping shall be provided to minimize the impact of headlights on abutting and nearby residential properties.
- b. **OPEN SPACE:** 20% of the total lot area must be landscaped open space. A minimum 15-foot-wide strip of landscaped open space is required between internal roads or parking areas and the adjacent public right-of-way.
- c. **OUTDOOR STORAGE:** No outdoor storage of any material (usable or waste) shall be permitted, except within enclosed containers and/or visually screened (fences or shrubbery) areas. Customary outdoor displays of goods for sale which are in keeping with the surrounding area and are inoffensive are permitted.
- d. **SCREENING:** Screening shall be provided according to Section IX,I of this Ordinance and according to the Town's Site Plan Review Regulations.

**9. A CERTIFICATE OF OCCUPANCY IS REQUIRED IN THE AGRICULTURAL AND BUSINESS ZONE.**

- 10. HISTORIC DISTRICT ORDINANCE:** The portion of the A&B Zone that falls within the Town's Historic District also falls under the jurisdiction of the Historic District Ordinance and the Historic District Design Guidelines and Regulations.

**B. COMMERCIAL ZONE (C)**

**INTENT:** The Commercial Zone is intended to provide for the location of general retail uses.

**1. PERMITTED USES IN THE COMMERCIAL ZONE:**

- a. Retail and wholesale sales
- b. Business services
- c. Professional offices
- d. Banks
- e. Restaurants, general
- f. Restaurants, fast-food
- g. Funeral homes
- h. Theaters, halls, and clubs
- i. Motels and hotels
- j. Vehicular, trailer, and recreational vehicles sale and service facilities
- k. Storage facilities
- l. Essential services
- m. Hospitals, clinics, nursing homes, and rehabilitation centers
- n. Filling stations and/or service stations
- o. Veterinary hospitals
- p. Kennels, with a minimum lot size of five acres and a setback of 100 feet from all lot lines for all structures
- q. Day care centers
- r. All uses permitted in the Agriculture and Business (A&B) Zone, except single family residences.
- s. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES:**

- a. Manned Aircraft landings and take offs.

**3. AREA AND HEIGHT REQUIREMENTS IN THE COMMERCIAL ZONE. (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT SIZE:** One acre for individual businesses.
- b. **MINIMUM FRONT YARD SETBACK:** 50 feet from public roads, 25 feet from internal roads.
- c. **MINIMUM SIDE YARD:** 15 feet; 35 feet when abutting a residential zone.
- d. **MINIMUM REAR YARD:** 15 feet; 35 feet when abutting a residential zone.
- e. **MAXIMUM BUILDING HEIGHT:** 38 feet. (Section IX.I)
- f. **MAXIMUM BUILDING COVERAGE:** 50% of the lot
- g. **FRONTAGE:** 200 feet.
- h. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
- i. **BACKLAND LOTS:**
  - (i) Backland lots for commercial uses shall be at least 1.5 acres;
  - (ii) Minimum frontage: 20 feet;

- (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

**4. OTHER DEVELOPMENT REGULATIONS IN THE COMMERCIAL ZONE:**

- a. **PARKING:** Adequate off-street parking facilities shall be made available for workers and the patrons of businesses with drives and roadways with clear visibility and non-hazardous access to the public road. Parking requirements and required loading and unloading areas and design standards must conform to Sections IX. I and J and Planning Board's site plan review.
- b. **OPEN SPACE:** 20% of the total lot area must be landscaped open space. A minimum 15-foot-wide strip of landscaped open space is required between internal roads or parking areas and the adjacent public right-of-way.
- c. **OUTDOOR STORAGE:** No outdoor storage of any material (usable or waste) shall be permitted, except within enclosed containers and/or visually screened (fences or shrubbery) areas. Customary outdoor displays of goods for sale which are in keeping with the surrounding area and are inoffensive are permitted.
- d. **SCREENING:** Screening shall be provided according to Section IX.H of this Ordinance and according to the provisions of the Town's Site Plan Review Regulations.

**5. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE COMMERCIAL ZONE:**

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.



**C. INDUSTRIAL ZONE (I)**

**INTENT:** The Industrial Zone is intended to provide for the location of industry and light manufacturing and the Special Exceptions uses noted in paragraph 4.

- 1. PERMITTED USES IN THE INDUSTRIAL ZONE:** Within this district only the following uses will be permitted subject to the following regulations:
  - a. Offices, laboratories, contractor's storage and equipment yards, machine shops, printing, publishing shops, business or industrial schools, saw mills, and wood yards.
  - b. Manufacturing - provided that smoke emitted by any stack shall not equal or exceed in density Ringelman No. 2 for periods aggregating more than 4 minutes in any half-hour period, and that all state air quality standards are met. In order to ensure that noise outside of lot lines is not objectionable due to intermittence, beat frequency, or shrillness, noise shall be limited to no more than that of average weekday traffic on the surrounding streets. No objectionable, obnoxious, or dangerous concentrations or quantities of odor, dust, fly ash, gases, or fumes are emitted and no excessive vibration is caused. The items listed under prohibited uses are intended as a guide and not a complete list. Waste water must be of equal quality to that of the proposed receiving waters.
  - c. Storage or wholesaling and warehousing in enclosed building which meets fire safety recommendations. Retail facilities permitted in conjunction with other permitted uses.
  - d. Trucking terminals.
  - e. Essential services (as defined by this ordinance).
  - f. Tattoo parlors
  - g. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.
  - h. Indoor sports or fitness businesses, including but not limited to batting cages, health clubs, golf driving ranges, and gymnastic clubs.
- 2. PROHIBITED USES IN THE INDUSTRIAL ZONE:** The following uses are specifically prohibited in
  - a. Abattoir operations
  - b. Any use which consumes large quantities of water or which requires special waste treatment.
  - c. Cremation except cemeteries
  - d. Electro plating
  - e. Industrial fermentation
  - f. Kiln firing or drying of materials other than wood
  - g. Leather tanning or processing
  - h. Manufacture, compounding, or processing of chemicals
  - i. Manufacture of charcoal
  - j. Manufacture or compounding of solvent, water or oil based paints, varnishes or coatings.
  - k. Petroleum or tar refining or processing
  - l. "Recycling" of metals, organic or inorganic chemicals
  - m. Smelting or melting of metals and ores
  - n. Synthesis or blending of artificial or natural fertilizers
  - o. Stockyards and feed lots
  - p. Manned Aircraft landings & take offs

**3. AREA AND LOT REQUIREMENTS IN THE INDUSTRIAL ZONE: (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT SIZE:** One acre (providing all requirements of this ordinance can be met).
- b. **MINIMUM FRONTAGE:** 200 feet.
- c. **MINIMUM SETBACK FOR FRONT YARDS:** 100 feet when abutting a state highway and 50 feet on all other roads.
- d. **MINIMUM SIDE AND REAR YARD SETBACKS:** 1 story buildings shall set back 25 feet from side and rear lot lines, with increased setback from side and rear lot lines of 25 feet for each additional floor of height.
- e. **MAXIMUM HEIGHT:** 38 feet or as approved by the Planning Board in site plan review. (See Section IX.I)
- f. **MAXIMUM BUILDING AREA:** Buildings may occupy no more than 50 percent of the lot on which they are located.
- g. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.

**4. SPECIAL EXCEPTIONS IN THE INDUSTRIAL ZONE:**

The following uses may be permitted if granted a special exception by the Board of Adjustment, if site plan approval is granted by the Planning Board and the use is in keeping with an industrial zone:

- a. Building materials sales yard.
- b. Sales and service of heavy vehicles or machinery (trucks, construction equipment, farm equipment).
- c. Sales and/or service of heavy residential, commercial, or industrial equipment, appliances, utilities and conveniences.

**5. OTHER DEVELOPMENT REGULATIONS IN THE INDUSTRIAL ZONE:**

- a. Parking and loading areas as required by Sections IX,H and I of this ordinance.
- b. Signs as regulated by Section XIV of this ordinance.
- c. No waste may be stored which may cause leaching of chemicals or other pollutants into the surrounding water table or surface runoff, or the emission of toxic or harmful gases. Fluid discharges from the plant must be adequately treated so as not to pollute the surrounding water table or surface runoff.
- d. Screening:
  - (i) Side and rear yards: 25 feet wide, wherever industrial uses abut residential zones or uses;
  - (ii) Front yards: 50 feet wide.

**6. A CERTIFICATE OF OCCUPANCY IS REQUIRED IN THE INDUSTRIAL ZONE.**

**7. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE INDUSTRIAL ZONE:**

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.
- b. Alternative Treatment Centers: Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for an Alternative Treatment Center, Cultivation & Non-cultivation, subject to the requirements of Section IX General Provisions, Paragraph P. This use shall be limited to that portion of the Industrial Zone located along Proctor Hill Road (NH Rt. 130)

**D. MOBILE HOME-1 ZONE (MH-1)**

**INTENT:** The Mobile Home-1 Zone is intended to provide an area in Town in which individual lots for mobile homes as well as mobile-home parks are allowed.

**1. PERMITTED USES IN THE MOBILE HOME-1 ZONE:**

- a. Mobile Homes
- b. Temporary structures
- c. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

**3. ACCESSORY USES IN THE MOBILE HOME-1 ZONE:**

- a. Customary accessory buildings and uses.
- b. Other accessory structures needed to operate the park such as storage sheds, community centers, permanent residence of owner/operator as approved by the Planning Board under site plan review.

**4. SPECIAL EXCEPTIONS IN THE MOBILE HOME-1 ZONE:** As granted by the Board of Adjustment.

- a. Public and private recreational facilities which serve the park residents.
- b. Home based businesses according to Section XXII.

**5. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE MOBILE HOME-1 ZONE: (Note: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT AREA/MOBILE HOME:** 15,000 square feet (5,000 of which must be unencumbered open space).
- b. **MINIMUM LOT WIDTH:** 100 feet at the minimum setback line.
- c. **MINIMUM SIDE YARD:** 15 feet.
- d. **MINIMUM FRONT YARD:** 25 feet.
- e. **MINIMUM WIDTH OF MOBILE HOME PARK ROAD RIGHTS-OF-WAY:** 40 feet.
- f. **MINIMUM SIZE OF MOBILE HOME PARK:** 10 acres.

**6. OTHER DEVELOPMENT REGULATIONS IN THE MOBILE HOME-1 ZONE:**

- a. No mobile home shall be parked closer than 15 feet square feet to the side or rear lot lines of the park.
- b. Each mobile home shall have a minimum of 150 square feet for each resident and in any event a mobile home shall have a minimum of 300 square feet of floor space.
- c. Mobile home park sanitary regulations promulgated by the State Board of Health under authority of Chapter 147, NH Revised Statutes Annotated, shall be adhered to.

**7. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE MOBILE HOME-1 ZONE:**

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**E. MOBILE HOME-2 ZONE (MH-2)**

**INTENT:** The Mobile Home-2 Zone is intended to provide an area in Town in which individual lots for mobile homes as well as residential development and agricultural purposes are allowed.

**1. PERMITTED USES IN THE MOBILE HOME-2 ZONE:**

- a. Mobile Homes.
- b. Farms.
- c. Farm Stand.
- d. Stables.
- e. Hollis Open Space Planned Development according to Section XX.
- f. ~~Housing for Older Persons~~ (Removed March 2023)
- g. Condominiums according to the provisions of RSA 356-B.
- h. Customary accessory buildings and uses.
- i. Signs according to Section XIV.
- j. Temporary structures.
- k. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

**3. SPECIAL EXCEPTIONS IN THE MOBILE HOME-2 ZONE:** As granted by the Board of Adjustment.

- a. Cemeteries.
- b. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
- c. Day care for more than six (6) children.
- d. Police and fire stations provided they are located adjacent to an arterial street.
- e. Public and private schools provided they are adjacent to an arterial street.
- f. Post Offices if adjacent to an arterial street.
- g. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.
- h. Recreational uses, privately owned as follows:
  - (ii) Golf courses,
  - (iii) Country Clubs,
  - (iv) Semi-public swimming pools,
  - (v) Tennis courts/clubs,
  - (vi) Fishing lakes,
  - (vii) Sporting Clubs.
- i. Municipal buildings and public or private facilities for Town services provided it is located on an arterial or major collector street.
- j. Riding academies.
- k. Home based businesses according to Section XXII.

**3. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE MOBILE HOME-2 ZONE: (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT AREA:** Two acres/dwelling unit.
- b. **MINIMUM FRONTAGE ON A PUBLIC ROAD:** 200 feet.
- c. **MINIMUM FRONT YARD DEPTH:** 50 feet (100 feet on scenic roads).
- d. **MINIMUM SIDE YARD WIDTH:** 35 feet from house or principal structures to the property line. 15 feet from accessory structures
- e. **MINIMUM REAR YARD DEPTH:** 35 feet for principal structures, 15 feet for accessory structures or uses.
- f. **MAXIMUM HEIGHT:** 38 feet (see Section IX.I)
- g. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
- h. **BACKLAND LOTS:**
  - (ii) Each building lot shall be at least 4 acres. Minimum lot area 4 acres per dwelling unit.
  - (iii) A minimum frontage on a public road of 20 feet for each dwelling on a back lot.
  - (iv) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

**4. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE MOBILE HOME-2 ZONE:**

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

## R. RECREATIONAL ZONE (R)

**INTENT:** The recreational zone is intended to allow residential and recreational development around local bodies of water while protecting water quality and the recreational aspects of the area. Careful placement of homes and cautious septic system construction and reconstruction are imperative.

### 1. **PERMITTED USES IN THE RECREATIONAL ZONE:**

- a. Single- and two-family dwellings.
- b. Farm.
- c. Farm Stand.
- d. Hollis Open Space Planned development according to Section XX.
- e. Condominiums according to the provisions of RSA 356-B.
- f. Customary accessory buildings and uses.
- g. Signs according to Section XIV.
- h. Temporary structures.
- i. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

### 2. **PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

### 3. **SPECIAL EXCEPTIONS IN THE RECREATIONAL ZONE:** As granted by the Board of Adjustment.

- a. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.
- b. Recreational uses, privately owned as follows:
  - (i) Golf courses,
  - (ii) Country Clubs,
  - (iii) Semi-public swimming pools,
  - (iv) Tennis courts/clubs,
  - (v) Fishing lakes,
  - (vi) Sporting Clubs.
- c. Home based businesses according to Section XXII.
- d. Accessory dwelling units according to Section IX.K.

**AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RECREATIONAL ZONE: (NOTE: Per RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- e. **MINIMUM LOT AREA:** Two acres/dwelling unit.
- f. **MINIMUM FRONTAGE:** Two hundred feet on a road and the waterfront where applicable.
- g. **MINIMUM FRONT YARD DEPTH:** Fifty feet (100 feet on scenic roads).
- h. **MINIMUM SIDE YARD DEPTH:** 35 feet from house or principal structure to the property line, 15 feet for accessory structures or 50 feet from high water line, if applicable.
- i. **MINIMUM REAR YARD DEPTH:** 35 feet for principal structures or 50 feet from the high-water line, 15 feet for accessory structures.
- j. **MAXIMUM HEIGHT:** 38 feet (see Section IX.I)
- k. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
- l. **BACKLAND LOTS:**

- (i) Each building lot shall be at least 4 acres. Minimum lot area 4 acres per dwelling unit.
- (ii) A minimum frontage on a public road of 20 feet for each dwelling on a back lot.  
No building shall be erected on backland under this regulation closer than 200 feet from an existing public road or 50 feet from the high-water line.

**4. *PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE RECREATIONAL ZONE:***

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**G. RESIDENTIAL AND AGRICULTURAL DISTRICT (R & A)**

**INTENT:** The two-fold intent of the R & A zone is to encourage farming in Town while recognizing that growth and development will occur and should therefore be located in these areas where physical site conditions may be favorable, and critical Town services are available without costly extensions to the Town.

**1. PERMITTED USES IN THE RESIDENTIAL AND AGRICULTURAL DISTRICT:**

- a. (i) Single- and two-family dwellings.
- (ii) Conversion of Existing Residential Buildings. A residential building existing prior to January 21, 1952, may be converted to provide for not more than three (3) families provided the structure is not increased in volume and meets the Town of Hollis fire and health regulations.
- b. Farms.
- c. Farm Stand.
- d. Stables.
- e. Hollis Open Space Planned Development according to Section XX.
- f. ~~Housing for Older Persons~~ (Removed by vote March 2023)
- g. Condominiums according to the provisions of RSA 356-B.
- h. Customary accessory buildings and uses.
- i. Signs according to Section XIV.
- j. Retirement community.
- k. Temporary structures.
- l. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

**3. SPECIAL EXCEPTIONS IN THE RESIDENTIAL AND AGRICULTURAL DISTRICT:** As granted by the Board of Adjustment.

- a. Cemeteries.
- b. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
- c. Day care for more than six (6) children.
- d. Police and fire stations provided they are located adjacent to an arterial street.
- e. Public and private schools provided they are located adjacent to an arterial street.
- f. Post offices if adjacent to an arterial street.
- g. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.
- h. Recreational uses, privately owned as follows:
  - (i) Golf courses,
  - (ii) Country Clubs,
  - (iii) Semi-public swimming pools,
  - (iv) Tennis courts/clubs,
  - (v) Fishing lakes,



- (vi) Sporting Clubs.
  - i. Municipal buildings and public or private facilities for Town services provided they are located on an arterial or major collector street
  - j. Riding academies.
  - k. Home based businesses according to Section XXII.
  - l. Accessory dwelling units according to Section IX.K.
  - m. Bed and Breakfast, according to the definition in Section VIII.
4. ***USES ALLOWED BY CONDITIONAL USE PERMIT IN THE RESIDENTIAL AND AGRICULTURAL DISTRICT:***
- a. Landscape Materials Yard
  - b. A residential building existing prior to January 21, 1952, may be converted to provide for not more than four (4) families provided the structure is not increased in volume and meets the Town of Hollis fire and health regulations and one of the units qualifies as a workforce housing unit/renter occupied, as more particularly specified in Section XVIII of this ordinance.
  - c. Workforce housing units as specified in Section XVIII.
  - d. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.
5. ***AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RESIDENTIAL AND AGRICULTURAL DISTRICT: (NOTE: Per NH RSA 289:3, III, a 25' buffer is required around all cemeteries for the purposes of new construction.)***
- a. ***MINIMUM LOT AREA:*** Two acres/dwelling unit.
  - b. ***MINIMUM FRONTAGE ON A PUBLIC ROAD:*** 200 feet.
  - c. ***MINIMUM FRONT YARD DEPTH:*** 50 feet (100 feet on scenic roads).
  - d. ***MINIMUM SIDE YARD WIDTH:*** 35 feet from house or principal structure to the property line, 15 feet for accessory structures.
  - e. ***MINIMUM REAR YARD DEPTH:*** 35 feet for principal structures, 15 feet for accessory structures or uses.
  - f. ***MAXIMUM HEIGHT:*** 38 feet (see Section IX.I)
  - g. ***BUILDING AREA:*** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
  - h. ***BACKLAND LOTS:***
    - (i) Each building lot shall be at least 4 acres. Minimum lot area 4 acres per dwelling unit.
    - (ii) A minimum frontage on a public road of 20 feet for each dwelling on a back lot.
    - (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

## **H. RURAL LANDS ZONE (RL)**

**INTENT:** The two-fold intent of the Rural Lands Zone is to encourage farming in Town and to permit limited development in areas where physical site conditions are problematic or access to Town services is restricted.

### **1. PERMITTED USES IN THE RURAL LANDS ZONE:**

- a. Single- and two-family dwellings.
- b. Farms.
- c. Farm Stand.
- d. Stables.
- e. Hollis Open Space Planned Development according to Section XX.
- f. Condominiums according to the provisions of RSA 356-B
- g. Temporary structures
- h. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

### **2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

### **3. ACCESSORY USES IN THE RURAL LANDS ZONE:**

- a. Customary accessory buildings and uses.
- b. Signs, according to Section XIV.

### **4. SPECIAL EXCEPTIONS IN THE RURAL LANDS ZONE:** As granted by the Board of Adjustment.

- a. Cemeteries.
- b. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
- c. Day care for more than six (6) children.
- d. Police and fire stations provided they are located adjacent to an arterial street.
- e. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.
- f. Recreational uses, privately owned as follows:
  - (i) Golf courses,
  - (ii) Country Clubs,
  - (iii) Semi-public swimming pools,
  - (iv) Tennis courts/clubs,
  - (v) Fishing lakes,
  - (vi) Sporting Clubs.
- g. Municipal buildings and public or private facilities for town and school services, provided the facility is located on an arterial or major collector street.
- h. Home based businesses according to Section XXII.
- i. Accessory dwelling units according to Section IX.K.
- j. Riding Academies

**5. AREA HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RURAL LANDS ZONE: (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT AREA:** 2 acres/dwelling unit.
- b. **MINIMUM FRONTAGE:** 200 feet.
- c. **MINIMUM FRONT YARD DEPTH:** 100 feet. (A home or structure in existence as of March 14, 2023, shall be able to expand provided that, at a minimum, a 50 foot Front Yard Depth is adhered to.)
- d. **MINIMUM SIDE YARD DEPTH:** 35 feet from house or principal structures to the property line. Accessory structures must be at least 15 feet from the property line.
- e. **MINIMUM REAR YARD DEPTH:** 35 feet for principal structures, 15 feet for accessory structures.
- f. **MAXIMUM HEIGHT:** 38 feet. (See Section IX.I)
- g. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
- h. **BACKLAND LOTS:**
  - (i) Each building lot shall be at least 4 acres. Minimum lot area 4 acres per dwelling unit.
  - (ii) A minimum frontage on a public road of 20 feet must be provided for each dwelling on a back lot.
  - (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

**6. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE RURAL LAND ZONE:**

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**I. TOWN CENTER (TC)**

**INTENT:** The Town Center Zone designates the non-commercial part of the Town's Historic District. All permitted uses in the Town Center zone are subject to the regulations of the Historic District Ordinance.

**1. PERMITTED USES IN THE TOWN CENTER:**

- a. (i) Single- and two-family dwellings.
- (ii) Conversion of Existing Residential Buildings. A residential building existing prior to January 21, 1952, may be converted to provide for not more than three (3) families provided the structure is not increased in volume and meets the Town of Hollis fire and health regulations.
- b. Farms.
- c. Farm Stand.
- d. Stables.
- e. Hollis Open Space Planned Development according to Section XX.
- f. ~~Housing for Older Persons~~ (Removed by vote March 2023)
- g. Condominiums according to the provisions of RSA 356-B.
- h. Retirement community.
- i. Temporary structures.
- j. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

**3. ACCESSORY USES IN THE TOWN CENTER:**

- a. Customary accessory buildings and uses.
- b. Signs according to Section XIV.

**4. SPECIAL EXCEPTIONS IN THE TOWN CENTER:** As granted by the Board of Adjustment.

- a. Cemeteries.
- b. Churches and other buildings for the purpose of religious worship providing they are located adjacent to an arterial street.
- c. Institutions for higher education providing they are located adjacent to an arterial street.
- d. Nursery Schools.
- e. Police and fire stations provided they are located adjacent to an arterial street.
- f. Public and parochial schools provided they are located adjacent to an arterial street.
- g. Post offices if adjacent to an arterial street.
- h. Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, libraries, and tennis courts.
- i. Recreational uses, privately owned as follows:
  - (i) Golf courses,
  - (ii) Country Clubs,
  - (iii) Semi-public swimming pools,
  - (iv) Tennis courts/clubs,
  - (v) Fishing lakes,

- (vi) Sporting Clubs.
  - j. Municipal buildings and public or private facilities for Town services.
  - k. Home based businesses according to Section XXII.
  - l. Accessory dwelling units according to Section IX.K.
5. ***USES ALLOWED BY CONDITIONAL USE PERMIT IN THE TOWN CENTER DISTRICT:***
- a. A residential building existing prior to January 21, 1952, may be converted to provide for not more than four (4) families provided the structure is not increased in volume and meets the Town of Hollis fire and health regulations and one of the units qualifies as a workforce housing unit/renter occupied, as more particularly specified in Section XVIII of this ordinance.
  - b. Workforce housing units as specified in Section XVIII.
  - c. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.
6. ***AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE TOWN CENTER: (NOTE: Per RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)***
- a. ***MINIMUM LOT AREA:*** 2 acres/dwelling unit.
  - b. ***MINIMUM FRONTAGE:*** 200 feet.
  - c. ***MINIMUM FRONT YARD DEPTH:*** 50 feet (100 feet on scenic roads).
  - d. ***MINIMUM SIDE YARD WIDTH:*** 35 feet from house or principal structure to property line, 15 feet from accessory structures to property line, and one hundred 100 feet minimum between houses.
  - e. ***MINIMUM REAR YARD DEPTH:*** 35 feet for principal structures, 15 feet for accessory buildings.
  - f. ***MAXIMUM HEIGHT:*** 38 feet. (See Section IX.I)
  - g. ***BUILDING AREA:*** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
  - h. ***BACKLAND LOTS:***
    - (i) Each building lot shall be at least 4 acres per dwelling unit.
    - (ii) A minimum frontage on a public road of 20 feet for each dwelling on a back lot.
    - (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

**J. WATER SUPPLY CONSERVATION ZONE (WSC)**

**INTENT:** The Water Supply Conservation Zone represents an area of large, high quality underground water, which is serving the Hollis school system and some residences with water. Some nearby areas of older, small lot development may eventually experience pollution from closely placed sewage disposal systems, requiring provisions of a public water system. The large amounts of good quality water in the WSC Zone should, therefore, be protected from pollution to keep this resource as a future water supply area.

**1. PERMITTED USES IN THE WATER SUPPLY CONSERVATION ZONE:**

- a. Single family dwellings
- b. Forestry, tree farming
- c. Wildlife refuge
- d. Temporary structures
- e. Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**2. PROHIBITED USES**

- a. Manned Aircraft landings & take offs.

**3. ACCESSORY USES IN THE WATER SUPPLY CONSERVATION ZONE:**

- a. Customary accessory buildings and uses.
- b. Signs, according to Section XIV.

**4. SPECIAL EXCEPTIONS IN THE WATER SUPPLY CONSERVATION ZONE:** As granted by the Board of Adjustment.

- a. Home based businesses according to Section XXII.
- b. Accessory dwelling units according to Section IX.K.

**5. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE WATER SUPPLY CONSERVATION ZONE: (NOTE: Per NH RSA 289:3.III, a 25' buffer is required around all cemeteries for the purposes of new construction.)**

- a. **MINIMUM LOT AREA:** 2 acres/dwelling unit.
- b. **MINIMUM FRONTAGE:** 200 feet.
- c. **MINIMUM FRONT YARD DEPTH:** 50 feet (100 feet on scenic roads).
- d. **MINIMUM SIDE YARD WIDTH:** 35 feet from house of principal structure to the property line, 15 feet for accessory structures.
- e. **MINIMUM REAR YARD DEPTH:** 35 feet for principal structure, 15 feet for accessory structures.
- f. **MAXIMUM HEIGHT:** 38 feet. (See Section IX.I)
- g. **BUILDING AREA:** No lot shall be subdivided unless it contains a compliant building area as described in Section VIII.6 (Definitions) of the Hollis Zoning Ordinance.
- h. **BACKLAND LOTS:** 4 acres for backland, provided that:
  - (i) Each building lot shall be at least 4 acres. Minimum lot area 4 acres per dwelling unit.
  - (ii) A minimum frontage on a public road of 20 feet for each dwelling on a 4-acre lot.
  - (iii) No building shall be erected on backland under this regulation closer than 200 feet from an existing public road.

**6. OTHER DEVELOPMENT REGULATIONS IN THE WATER SUPPLY CONSERVATION ZONE:**

- a. No septic tank or leach field shall be located closer than 150 feet to any wetland or standing water. All sewage disposal systems must be designed by a professional sanitary engineer.

**7. *PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE WATER SUPPLY CONSERVATION ZONE:***

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

## SECTION XI: OVERLAY ZONING DISTRICTS

### A. **AQUIFER PROTECTION OVERLAY ZONE (APO)** (*Amended March 2017*)

**INTENT:** By the authority granted in New Hampshire RSA 674:16-17 and 674:20, the Aquifer Protection Overlay Zone is intended to protect, preserve and maintain existing and potential groundwater supply and groundwater recharge area of known aquifers, as delineated by the United States Geological Survey (as identified on the Hollis stratified drift aquifer map available in the Planning Department) thereby assuring the proper use of natural resources and thus protecting public health, safety and general welfare of the people in the Town of Hollis from adverse development, land uses, practices and activities which might result in their depletion or contamination. Additional purposes of the APO Zone include, but are not limited to:

- Assuring adequate private and public drinking water supply
- Assuring the hydrologic integrity of surface waters and wetlands
- Reducing the effects of non-point source pollution
- Protecting in-stream habitat for fish and wildlife
- Limiting the development of structures and land uses which contribute to the pollution of ground water by sewage and hazardous substances
- Encouraging those uses that can be safely and appropriately located in the APO Zone
- Assuring adequate water supply for domestic, agricultural, commercial and industrial uses
- Assuring adequate water supply for recreational uses

The standards used in the Aquifer Protection Overlay Zone reflect the recommendations of the Town of Hollis Master Plan, 1998, the Town of Hollis Water Resources Management Plan, 1989, and the recommendations of the Town of Hollis Conservation Commission Water Resources Subcommittee. The Aquifer Protection Overlay Zone is a zoning overlay district, which imposes additional requirements and restrictions to those of the underlying district zoning. In all cases the more restrictive requirement(s) shall apply.

#### 1. **LOCATION**

The extent of the Aquifer Protection Overlay Zone shall be the outermost edge of the surficial extent of all aquifer deposits presently designated as stratified drift in the USGS study, Hydrogeology of Stratified-Drift Aquifers and Water Quality in the Nashua Regional Planning Commission Area, South-Central New Hampshire, 1987.

- a. When the actual boundary of the Aquifer Protection Overlay Zone is in dispute by any owner or abutter actually affected by said boundary, the Planning Board (or the Board of Adjustment or other Town authority, as appropriate), at the owner's or abutter's expense and request, may engage a certified soil scientist to conduct a Site-Specific Soil Map of the area in dispute. Areas determined by the USGS as containing stratified drift aquifer and which also have excessively drained soils will be presumed to lie within the APO Zone.
- b. If the results of the Site-Specific Soil Mapping are inconclusive or are unsatisfactory to the Planning Board, the owner, or the abutter, the Planning Board, at the owner's or abutter's expense, may engage a professional geologist or hydrologist to conduct a hydrogeological study of the area to determine more accurately the precise boundary of the APO Zone.

#### 2. **DEFINITIONS:** For purposes of the Aquifer Protection Overlay Zone, the following definitions shall apply:

- a. **Groundwater:** Subsurface water that occurs beneath the water table in soils and geologic formations.
- b. **Surface Water:** Those waters, which have standing or flowing water at or on the surface of the ground. This includes but is not limited to, rivers, streams, lakes, ponds and tidal waters.
- c. **Water Related Resources:** A natural resource that is dependent on water, such as fish, amphibians and plants.
- d. **Wetland:** Areas as defined in Section VIII of the Hollis Zoning Ordinance.



### 3. ***DIMENSIONAL STANDARDS IN THE AQUIFER PROTECTION OVERLAY ZONE***

The standards of the underlying zone shall apply except as specified below

- a. ***IMPERMEABLE SURFACE COVERAGE:*** Impermeable surfaces may cover no more than 15% of any lot in the APO Zone. However, in the underlying Industrial Zone, the Planning Board may grant a waiver from the maximum 15% standard, but in no case more than 30%, provided that the applicant shows that the proposal is otherwise incapable of reasonably complying with this standard. Any such waiver shall be conditioned on the following:
  - (i) The applicant shall submit a stormwater management plan, prepared by a New Hampshire licensed professional engineer and approved by the Planning Board.
  - (ii) The plan shall comply with all performance standards under Section XI.A. 4.a. of the Hollis Zoning Ordinance.
  - (iii) Regardless of the area of disturbance, all groundwater infiltration shall be in compliance with the State of New Hampshire Alteration of Terrain Best Management Practices.
- b. ***SEWAGE DISPOSAL SYSTEMS:*** At least four (4) feet of in-place soil shall exist above the seasonal high-water table before fill; the bottom of the leaching field shall be at least six (6) feet above the seasonal high water table. This subparagraph shall not apply to lots approved for subdivision by the Planning Board on or before March 11, 1997.

### 4. ***PERFORMANCE STANDARDS IN THE AQUIFER PROTECTION OVERLAY ZONE:***

- a. Uses shall conform to the standards and practices delineated in the following documents on file with the Planning Board, unless this Ordinance specifies more strict standards:
  - (i) Manual of Best Management Practices for Agriculture in New Hampshire, NH Dept. of Agriculture, June 1993, or as amended.
  - (ii) Pesticide Management Guidelines for Groundwater Protection, UNH Cooperative Extension, November 1992, or as amended.
  - (iii) Buffers for Wetlands and Surface Waters: A Guidebook for New Hampshire Municipalities, Audubon Society of NH, NH Office of State Planning, UNH Cooperative Extension, and NRCS, November 1995, or as amended.
  - (iv) Manual of Best Management Practices--Biosolids, UNH Cooperative Extension, 1995, or as amended.
  - (v) Best Management Practices to Control Nonpoint Source Pollution--A Guide for Citizens and Town Officials, NH DES, May 1994, or as amended.
  - (vi) Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, NH DES, August 1992, or as amended.
  - (vii) Best Management Practices, New Hampshire Code of Administrative Rules, Env-Ws 421, or as amended.
  - (viii) State of New Hampshire Septage and Sludge Management Rules, New Hampshire Code of Administrative Rules, Env-Ws 800, or as amended.
  - (ix) Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire; NH DES, August 1992, or as amended.
  - (x) **Hazardous or Toxic Materials:** Any materials, as defined under RSA 147-A (as amended) which pose a present or potential hazard to human health or the environment when improperly handled, stored, transported for off- site disposal, or otherwise managed. Activities that engage in the handling and/or generation of hazardous and/or toxic materials shall demonstrate to the satisfaction of the Planning Board, through site plan review, that proper controls for the storage, handling, transportation and off-site disposal of these substances are in place and maintained and conform to the Performance Standards and BMP's noted in this Section. If proper handling, use and storage safeguards cannot be adequately demonstrated to the satisfaction of the Planning Board, then the storage and use of said material shall be prohibited.

Exemptions to this review shall include:

- a. Any private residence,
  - b. Any business or facility where Hazardous or Toxic Materials are stored in containers with a capacity of less than five gallons;
  - c. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place;
  - d. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle;
  - e. Storage and use of office supplies;
  - f. Temporary storage of construction materials on a site where they are to be used;
  - g. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI;
  - h. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b); and
  - i. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules.
- b. The Planning Board, while reviewing any development application (including, but not limited to subdivisions, site plans, and excavations) shall apply the following criteria when the development occurs in the APOZ:
- (i) The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
  - (ii) The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems. not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;
  - (iii) The proposed use will discharge no wastewater on site other than that typically discharged by domestic wastewater disposal systems.
  - (iv) The proposed use complies with all other applicable sections of this ordinance.
- c. The Planning Board may require that the applicant provide data or reports prepared by a professional engineer or qualified groundwater consultant, hydrologist, or fisheries biologist to assess any potential damage to the aquifer that may result from the proposed use. The Planning Board shall engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for any of the above-mentioned services shall be charged to the applicant. When assessing impacts, the following may be required:
- Preliminary water resource and water related resource use and inventory
  - Estimation and verification of effects of the activity. Based upon the potential for impacts, monitoring shall be conducted to verify worst-case conditions (i.e., low flow summer conditions, maximum impact). Monitoring may have a range of sampling designs, including but not limited to single season evaluation or pre and post implementation evaluation.
  - Final water resources and water related resources and uses inventory.
  - Description of the impacts to water resources and water related resources used and inventory.

**5. PERMITTED USES IN THE AQUIFER PROTECTION OVERLAY ZONE:**

- a. All uses permitted, by right or by special exception, in the underlying zone shall be permitted unless said use shall be in conflict with the intent and purpose of the Aquifer Protection Overlay Zone, and/or unless the use is specifically prohibited, below. In all cases, the more restrictive requirement(s) shall apply.\

**6. PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE:** The following uses shall not be permitted in the Aquifer Protection Overlay Zone:

- a. Disposal of solid waste other than brush or stumps.

- b. Disposal of liquid or leachate wastes, except from single or multi-family residential subsurface disposal systems.
- c. Outdoor unenclosed or uncovered storage of road salts.
- d. Dumping of snow brought from outside the Aquifer Protection Overlay Zone.
- e. Commercial animal feedlots.
- f. Excavation of sand or gravel except where conducted in accordance with an approved excavation or movement of earth materials permit.
- g. Automotive service and/or repair shops.
- h. Junk and salvage.
- i. Car washes.
- j. Laundromats
- k. Landfills, solid waste transfer stations and recycling facilities and incinerators.
- l. Subsurface storage of petroleum, other refined petroleum products, or other Hazardous or Toxic Materials as defined in RSA 147-A. Subsurface storage of natural gas or propane products shall be allowed.

**7. *NONCONFORMING USES IN THE AQUIFER PROTECTION OVERLAY ZONE:***

- a. Any nonconforming use may continue and may be maintained, repaired and/or replaced, and to the extent that it shall be made less nonconforming improved, unless such use is determined to be an imminent hazard to public health and safety by the Selectmen and/or Health Officer. No nonconforming use may be expanded, changed to another nonconforming use, or renewed after it has been discontinued for a period of 12 months or more.
- b. Notwithstanding subparagraph 7. a. above, no underground storage tanks for petroleum, other refined petroleum products, or hazardous materials may be repaired or replaced unless repaired or replaced in kind with no expansion or modification to approved site plans. All failed underground storage tanks must be removed according to standards established by NH state statutes and regulations.

**B. FLOOD PLAIN OVERLAY ZONE (FPO)** (*Adopted March 1990, amended March 1994, 2007 & 2009*)

Certain areas of the Town of Hollis, New Hampshire, are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Hollis, New Hampshire, has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.I. 90-488, as amended) as detailed in this Floodplain Management Ordinance

**AUTHORITY:** This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Hollis Flood Plain Development Ordinance and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

**INTENT:** All lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Hillsborough, NH" dated September 25, 2009, together with the associated Flood Insurance Rate Maps dated September 25, 2009, are declared to be part of the Hollis Flood Plain Ordinance and are hereby incorporated by reference.

1. **DEFINITIONS:** The following definitions shall apply only to this Flood Plain Development Ordinance and shall not be affected by the provisions of any other ordinance of the Town of Hollis.

- a. **AREA OF SPECIAL FLOOD HAZARD:** is the land in the flood plain within the Town of Hollis subject to a 1 percent or greater possibility of flooding in any given year. The area is designated as zone A and AE on the Flood Insurance Rate Map.
- b. **BASE FLOOD:** means the flood having a 1% possibility of being equaled or exceeded in any given year.
- c. **BASEMENT:** means any area of a building having its floor subgrade on all sides.
- d. **BUILDING:** see "structure".
- e. **DEVELOPMENT:** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.
- f. **FEMA:** means the Federal emergency management agency.
- g. **FLOOD OR FLOODING:** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
  - (i) the overflow of inland or tidal waters;
  - (ii) the unusual and rapid accumulation or runoff of surface waters from any source.
- h. **FLOOD INSURANCE RATE MAP (FIRM):** means an official map incorporated with this ordinance on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Hollis.
- i. **FLOOD INSURANCE STUDY:** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- j. **FLOOD PLAIN OR FLOOD-PRONE AREA:** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").
- k. **FLOOD PROOFING:** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
- l. **FLOODWAY:** see Regulatory Floodway.
- m. **FUNCTIONALLY DEPENDENT USE:** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

- n. **HIGHEST ADJACENT GRADE:** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- o. **HISTORIC STRUCTURE:** means any structure that is:
- (i) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; or
  - (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
  - (iii) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (iv) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - By an approved state program as determined by the Secretary of the Interior, or
    - Directly by the Secretary of the Interior in states without approved programs.
- p. **LOWEST FLOOR:** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- q. **MANUFACTURED HOME:** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.
- r. **MANUFACTURED HOME PARK OR SUBDIVISION:** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- s. **MEAN SEA LEVEL:** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood insurance rate map are referenced.
- t. **NEW CONSTRUCTION:** means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
- u. **100-YEAR FLOOD:** see base flood.
- v. **RECREATIONAL VEHICLE:** means a vehicle which is
- (i) built on a single chassis;
  - (ii) 400 square feet or less when measured at the largest horizontal projection;
  - (iii) designed to be self-propelled or permanently towable by a light duty truck; and
  - (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- w. **REGULATORY FLOODWAY:** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height.
- x. **SPECIAL FLOOD HAZARD AREA:** see "Area of Special Flood Hazard".
- y. **STRUCTURE:** means for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

- z. **START OF CONSTRUCTION:** includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or part of the main structure.
  - aa. **SUBSTANTIAL DAMAGE:** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 % of the market value of the structure before the damage occurred.
  - bb. **SUBSTANTIAL IMPROVEMENT:** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 % of the market value of the structure. The market value of the structure should equal:
    - (i) the appraised value prior to the start of the initial repair or improvement, or
    - (ii) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
  - cc. **VIOLATION:** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR & 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
  - dd. **WATER SURFACE ELEVATION:** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequencies in the flood plains.
- 2. All proposed development in any special flood hazard area shall require a permit. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction or substantial improvements shall:
    - a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and
    - b. be constructed with materials resistant to flood damage, and
    - c. be constructed by methods and practices that minimize flood damages, and
    - d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - 3. Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Building Inspector with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.
  - 4. For all new or substantially improved structures located in Zones A or AE, the applicant shall furnish the

following information to the building inspector:

- a. The as-built elevation (in relation to NGVD) of the lowest floor (including basement) and whether or not such structures contain a basement.
  - b. If the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.
  - c. Any certification of flood proofing
  - d. The Building Inspector shall maintain for public inspection and shall furnish such information upon request.
5. The Building Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
6. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Environmental Services Department and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Board.
- a. The applicant shall submit to the Building Inspector certification, provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
  - b. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.
  - c. Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
  - d. The Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement: "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge".
7. ***BUILDING IN THE FLOOD PLAIN***
- a. In special flood hazard areas, the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:
    - (i) In zone AE refer to the elevation data provided in the community's Flood insurance study and accompanying FIRM.
    - (ii) In Zone A the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state, or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
    - (iii) In zone AO the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2'.
  - b. The Building Inspector's 100-year flood elevation determination will be used as criteria for requiring in zones A and AE that:
    - (i) All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood elevation;

- (ii) That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or together with attendant utility and sanitary facilities, shall:
  - (iii) Be flood proofed so that below the 100-year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
  - (iv) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
  - (v) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
- c. All recreational vehicles placed on sites within Zones A and AE shall either:
  - (i) be on site for fewer than 120 consecutive days,
  - (ii) be fully licensed and ready for highway use, or
  - (iii) meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for Manufactured Homes in paragraph (c) (6) of Section 60.3
- d. for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
  - (i) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
  - (ii) the area is not a basement;
  - (iii) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: a minimum of 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
- e. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

**8. *VARIANCES AND APPEALS IN THE FLOOD PLAIN:***

- a. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
- b. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
  - (i) that the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;
  - (ii) that if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result;
  - (iii) that the variance is necessary, considering the flood hazard, to afford relief.
- c. The Zoning Board of Adjustment shall notify the applicant in writing that: (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance action.
- d. The community shall (i) maintain a record of all variance actions, including the justification for their issuance,



and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

## C. WETLAND CONSERVATION OVERLAY ZONE (WCO)

### 1. PURPOSE

By the authority granted in New Hampshire RSA 674:16-17 and 674:20-21, the purpose of the Wetland Conservation Overlay Zone is to protect the wetlands, surface waters and their buffer zones, to assure the proper use of natural resources and thereby protect the public health, safety and general welfare of the people in the Town of Hollis. Additional purposes of the WCO Zone include, but are not limited to:

- a. Protecting persons and property from flood damage by preserving the natural flood storage area;
- b. Reducing the effects of non-point pollution;
- c. Reducing sedimentation of wetlands and surface waters;
- d. Protecting surface waters, groundwater and aquifers as current or potential drinking water supply sources;
- e. Limiting the development of structures and land uses which contribute to the
- f. Pollution of surface and groundwater by sewage, hazardous substances or siltation;
- g. Protecting and promoting fish and wildlife habitat;
- h. Conserving natural beauty and open space;
- i. Encouraging those uses that can be appropriately and safely located in the WCO Zone;
- j. Preventing those uses that could harm or degrade the wetland buffer, the wetlands, or surface waters.

### 2. DEFINITIONS

For the purposes of the WCO Zone Ordinance, the following definitions apply:

- a. **BEST MANAGEMENT PRACTICES:** When referring to forestry, Best Management Practices are defined in a publication entitled Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire prepared by the New Hampshire Department of Resources and Economic Development, and Wt. 304.05 Logging Operations, NH Code of Administrative Rules, April 21, 1997, as amended. When referring to agriculture, Best Management Practices are defined in the publications entitled Manual of Best Management Practices for Agriculture in New Hampshire as prepared by the Agricultural Best Management Practices Task Force and the USDA Natural Resources Conservation Service for the New Hampshire Department of Agriculture, and Best Management Wetlands Practices For Agriculture July, 1993, as amended. Other sources of technical information and standards used for performance guidance include, Stormwater Management and Erosion and Sediment Control for Urban and Developing Areas in New Hampshire, DES, RCCD, 1992, as amended; Manual of Best Management Practices to Control Nonpoint Source Pollution: A Guide for Citizens and Town Officials, DES, November, 1997, as amended; BMP's: Biosolids- UNH Cooperative Extension Service, June 1995, as amended; BMP's-Env-WS 421 (hazardous materials), as amended; and BMP's for Urban Stormwater Runoff, DES, WSPCD, January 1996, as amended and BMP's for Erosion Control During Trail Maintenance and Construction, as amended.
- b. **BOG:** A wetland area distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage and/or highly acidic soil and/or water conditions, Wt. 101.08, N.H. Code of Administrative Rules, April 21, 1997, as amended.
- c. **BUFFER ZONE:** An upland area adjacent to a wetland or surface water. This buffer zone, under the jurisdiction of the Town of Hollis, shall include an area of one hundred (100) feet, measured on a horizontal plane from the mean high water mark of a surface water, the delineated edge of a wetland, or the limits of hydric soils (whichever is most restrictive).
- d. **BULK WATER TRANSPORTER;** Bulk water transporters are those companies that offer services such as filling swimming pools, hydro seeding, fertilizer and pesticide applications, spraying for dust control and roadbed compaction at construction sites, and similar activities that often withdraw water from surface waters at convenient access points on a short-term or occasional basis.
- e. **CERTIFIED SOIL SCIENTIST:** A person qualified in soil classification and mapping who is certified by the State of New Hampshire Board of Natural Scientists.
- f. **CERTIFIED WETLAND SCIENTIST:** A person qualified to delineate wetland boundaries and prepare

wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-a.

- g. **EROSION CONTROL MEASURES:** For purposes of this ordinance, all construction and/or development shall incorporate design standards for erosion and sedimentation control which at a minimum reflect the standards set forth in the document, " Stormwater Management & Erosion & Sediment Control Handbook for Urban & Developing Areas of New Hampshire", August, 1992, as amended and Env-Ws 415.
- h. **HYDRIC SOILS:** Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers. Hydric soils consist of very poorly drained and poorly drained soil drainage classes as defined in "Field Indicators for Identifying Hydric Soils in New England", Version 2, July 1998.
- i. **IMPROVED LOT:** A parcel of land or any combination of several contiguous lots of record occupied by a principal building or a building group, as permitted herein, together with their existing accessory buildings or uses and such access, yards, and open space required under this ordinance.
- j. **MAJOR WETLAND PROJECT:** A project involving alteration of wetlands and surface waters in excess of 20,000 square feet. Major wetland projects of such size and scope have the potential to create significant impacts on wetlands or surface waters, pursuant to NH Code of Administrative Rules, Wt 303.02, April 21, 1997. Projects altering wetlands and surface waters are under the jurisdiction of the State of New Hampshire and require permitting.
- k. **MINIMUM WETLAND IMPACT PROJECT:** A project involving alteration of wetlands and surface waters less than 3,000 square feet. A minimum wetland impact project, by virtue of its size and nature, is likely to have a negligible impact by itself or in the aggregate pursuant to NH Code of Administrative Rules, Wt 303.04, provided adequate measures are employed to protect the environment. Projects altering wetlands and surface waters are under the jurisdiction of the State of New Hampshire and require permitting.
- l. **MINOR WETLAND PROJECT:** A project involving alteration of wetlands and surface waters less than 20,000 square feet. A minor wetland project is of such size, scope or nature that it has the potential of having more than a negligible impact upon wetlands or surface waters pursuant to NH Code of Administrative Rules, Wt 303.03, provided adequate measures are employed to protect the environment. Projects altering wetlands and surface waters are under the jurisdiction of the State of New Hampshire and require permitting.
- m. **PRIMARY STRUCTURE:** For purposes of this ordinance a primary structure shall be considered the main or principal structure on a lot that serves as a residence or a place of business.
- n. **PRIME WETLAND:** Under the New Hampshire statute (RSA 482-A) for protecting wetlands from "despoliation and unregulated alteration", municipalities are able to designate some of their high value wetlands as "Prime Wetlands" (RSA 482-A:15). These designated wetlands are given special consideration by the Wetlands Board in permit application reviews. At this time the Town of Hollis has no wetlands designated as "Prime Wetlands", however, the Hollis Master Plan (1998) and the Conservation Commission have recognized the following surface waters and associated wetlands in the Town of Hollis as sensitive environmental areas that should be given special consideration and protection during application reviews.
  - (i) Bailey Brook- from Hayden Reservoir to the entrance of Hayden's Mill Pond
  - (ii) Birch Brook – from Birch Hill to Witches Brook
  - (iii) Flints Brook- from Flints Pond to the Nashua River
  - (iv) Beaver Brook- from Rocky Pond Road to the Nissitissit River
  - (v) Rocky Pond Brook- from Rocky Pond to the Hollis town border
  - (vi) Witches Brook- from Hayden's Reservoir to the Hollis town border
  - (vii) Pennichuck Brook- from Dunklee Pond to Pennichuck Pond
  - (viii) Muddy Brook- from Parker Pond to Pennichuck Pond
  - (ix) Nashua River
  - (x) Nissitissit River

- (xi) Flint Pond
  - (xii) Pennichuck Pond
  - (xiii) Dunklee Pond
  - (xiv) Rocky Pond
  - (xv) Silver Lake
  - (xvi) Hayden's Mill Pond
  - (xvii) Hayden's Reservoir
  - (xviii) Parker Pond
  - (xix) Worcester Pond
  - (xx) Sucker Brook - from Jewett Lane to the Nashua River
  - (xxi) High School Brook - from the Hollis -Brookline High School to Jewett Lane
- o. ***SITE SPECIFIC SOILS MAP:*** A map developed from information prepared in accordance with Site Specific Soils Mapping Standards for New Hampshire and Vermont, Society of Soil Scientists of Northern New England Publication NO. 3, 1997, as amended.
- p. ***SPECIAL EXCEPTION:*** A use of land or buildings that is permitted, subject to specific conditions that are set forth in the ordinance. RSA 674:33 gives the local zoning board the power to grant those exceptions which are clearly specified in the ordinance.
- q. ***SURFACE WATERS:*** Those waters which have standing or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, ponds and tidal waters.
- r. ***UNIMPROVED LOT:*** A parcel of land or any combination of several contiguous lots of record not currently occupied by a principal or accessory building or use.
- s. ***WETLAND:*** Areas as defined in Section VIII.50 of the Zoning Ordinance.
- t. ***WETLAND CONSERVATION OVERLAY ZONE (WCO):*** Areas as defined in Section VII.B.3. of the Zoning Ordinance.
- u. ***WET MEADOW:*** An herb-dominated area typically with non-woody vegetation less than three feet in height, saturated for long periods during the growing season, but seldom flooded. Wet meadows develop on predominantly poorly drained soil conditions as defined by Env-Ws 1014.02.
- v. ***VERNAL POOL:*** A confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, provides essential breeding habitat for certain amphibians and invertebrates and is free of adult fish populations
- 3. JURISDICTION**
- a. The town recognizes that the state and federal governments have regulations, including a permitting process, governing the alteration of wetlands and surface waters. However, the Town of Hollis has jurisdiction over the one hundred (100) foot buffer zone and all Dredge and Fill Applications must first be reviewed by Planning Board Staff and approved by the Planning Board and the Conservation Commission for compliance with this ordinance.
- b. The WCO Zone shall be considered as overlaying any other zone established by this Ordinance. Any use permitted in the portions of the zone so overlaid shall only be permitted subject to all provisions of this section.
- c. ***EXISTING LOTS:*** This ordinance shall not prohibit the construction of principal and accessory structures on an unimproved lot or the expansion of a legally pre-existing use on a lot that legally existed before March 11, 1997. However, such construction or expansion will only be permitted upon determination by Planning Staff (or Planning Board per staff recommendation) that:
- (i) it is not feasible to place the structure outside the buffer zone
  - (ii) the structure must be set back as far as possible from the delineated edge of the wetland or surface

- water
- (iii) appropriate erosion control measures must be in place prior to and during construction
- (iv) any disturbance to the surrounding buffer zone must be repaired and restored upon completion of construction
- (v) all available mitigation measures to address changes in water quality and quantity be implemented, if required by Planning Staff/ Planning Board
- d. The 100 foot buffer regulations and restrictions set forth in this Ordinance shall not apply to the following wetland areas or their buffer zones:
  - (i) manmade ditches and swales
  - (ii) sedimentation/detention basins or ponds
  - (iii) manmade agricultural/irrigation ponds and swales
  - (iv) fire ponds
  - (v) a septage or manure lagoon
  - (vi) silage pits
  - (vii) a wetland or surface water of 3,000 square feet or less not associated with any other wetland, drainage-way, or surface water which does not meet the definition of a bog or vernal pool
- 4. **LOT REQUIREMENT AREA:** Wetland area excluding surface water may be used to satisfy minimum lot area requirements provided that seventy-five (75) percent of the minimum required lot size is contiguous non-wetland. For two (2) acre minimum lots, one and one-half (1 1/2) acres must be contiguous non-wetland. For four (4) acre minimum back lots, three (3) acres must be contiguous non-wetland.
- 5. **DRAINAGE**
  - 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.
- 6. **PERMITTED USES WITHIN THE WETLAND CONSERVATION OVERLAY ZONE:**
  - a. The following uses shall be permitted in the WCO Zone without a special exception:
    - (i) Forestry performed in accordance with Best Management Practices as defined in Section XI.C.2. of this ordinance
    - (ii) Agriculture, including growing and harvesting of crops, in accordance with Best Management Practices as defined in Section XI.C.2. of this ordinance.
  - b. Water withdrawals from surface waters for bulk transport and delivery are permitted with the following conditions and limitations:
    - (i) Anti-backflow devices are required on all vehicles withdrawing water from surface waters in the Town of Hollis.
    - (ii) The withdrawal must have permission of the property owner whose frontage is on the river, stream, lake or pond from which the withdrawal is being made.
    - (iii) The withdrawal must not create an adverse impact on aquatic life, recreation, or other public use of the water body. Adverse impacts include, but are not limited to: lowering of stream flow or lake levels and introducing potential pesticides and pollutants into the waters through backflow discharge or spillage. (Any discharges, including accidental discharges, are subject to enforcement action and penalties by the NH Department of Environmental Services under the provisions of the Clean Water Act.)

- (iv) The withdrawal must be “reasonable” in that it will not impact the drinking water supply, health of the indigenous aquatic life, public recreational activities and other uses dependent on the surface water.
  - (v) Large water withdrawals from single locations that exceed 20,000 gallons per day averaged over any 7-day period or that exceed a total of 600,000 gallons during any 30-day period must be registered with the DES-NH Geological Survey. (Chapter Env-Wr 700 Water Use Registration and Water Use Reporting, under RSA 482:87).
  - (vi) Water withdrawals from vernal pools and wetlands (other than constructed fire ponds and farm irrigation ponds) are prohibited.
  - (vii) Water withdrawals for emergency services are exempt from this ordinance.
  - (viii) If it is determined that the foregoing areas of regulation are or have been pre-empted by the State of New Hampshire, such sections shall be void.
- c. The following uses which do not alter the surface configuration by the addition of fill, do not obstruct or change in any manner the natural flow or quality of ground or surface water, and that are otherwise permitted by the Zoning Ordinance shall be permitted in the WCO Zone without a special exception, provided applicable necessary mitigation measures to address changes in water quality and quantity are in place, and there is restoration and repair of any disturbed area.
- (i) Conservation areas, and wildlife refuges
  - (ii) Open space as permitted by subdivision regulations and other sections of this ordinance. Only the buffer zone may be used in the calculation of open space. Jurisdictional wetlands, surface waters, flood plains, and unaltered slopes greater than 25% are excluded from this calculation.
  - (iii) Parks and outdoor recreational uses and activities as are consistent with the purposes and intentions of the WCO Zone
  - (iv) Planting of native species and wetland vegetation as identified by NHDES publication "Native Shoreland/Riparian Buffer Plantings for New Hampshire", dated March 2006 as amended.
  - (v) Monitoring wells for observation purposes
  - (vi) The removal of dead, diseased, unsafe, or fallen trees, however stumps and their root systems shall be left intact in the ground within one hundred (100) feet of the delineated edge of the wetland boundary. Dead trees that provide dens and nesting sites for wildlife are encouraged to be preserved
  - (vii) All projects detailed in Wt 303.05 Projects in Jurisdiction That Do Not Require a Permit, NH Code of Administrative Rules, April 23, 1997, except for (i)- landscaping, gardening, deck or stair construction in the upland (delete tidal) buffer zone which are not permitted by this ordinance. This shall be replaced with: The Town of Hollis WCO Ordinance requires that the existing woodland buffer shall be maintained in its natural state. A copy of this document is on file at the planning office.
- d. The following uses shall be permitted in the WCO Zone without a special exception, provided applicable erosion control measures are in place, there is repair and restoration of any disturbed area and all available mitigation measures to address changes in water quality and quantity as required by staff and recommended by the Conservation Commission are employed. However, all projects listed below together with any disturbance of the buffer zones involved therein shall be presented to the Conservation Commission, with a request for review in writing, as required by the New Hampshire Wetlands Bureau, for its intervention, opinion, recommendations and/or approval. The results of such intervention by the Conservation Commission, together with its written opinion, recommendations, and/or approval shall be forwarded to the Planning Board, within twenty (20) days from the date of the first Conservation Commission meeting at which it receives such project details. These "minimum wetlands impact" projects are defined in full detail in Wt. 303.04, NH Code of Administrative Rules, April 21, 1997, and after approval by Town Boards require a permit from the New Hampshire Wetlands Bureau.
- (i) Seasonal docks on non-tidal frontage for two (2) slips
  - (ii) Repair or replacement of existing retaining walls

- (iii) Decks raised above the ground in such a manner as to permit the natural flow of any surface water.
- (iv) Potable water supply wells
- (v) Maintenance of existing docking structures
- (vi) Control of aquatic weeds by harvesting
- (vii) Control of exotic weeds in accordance with NH RSA 487:17
- (viii) Installation of culverts or rock fords for driveways or woods roads where wetland impact is less than three thousand square feet on existing lots approved prior to March 11, 1997
- (ix) Bridge crossings
- (x) Temporary crossings for maintenance of utility pipes or lines, or for transportation of forestry products
- (xi) Projects located in the right-of way of an existing public road
- (xii) Temporary coffer dams for repair or replacement of existing structures
- (xiii) Pond construction in poorly drained soils only
- (xiv) Restoration of altered or dredged wetlands
- (xv) Construction of nature trails in accordance with BMP's for Erosion Control During Trail Maintenance and Construction, as amended.
- (xvi) Buffer disturbances for driveway access. Buffer disturbances do not need approval from the NH Wetlands Bureau.
- (xvii) Buffer disturbances for Planning Board approved subdivision road access.
- (xviii) Stormwater management facilities in accordance with New Hampshire Department of Environmental Services Alteration of Terrain Regulations.

**7. SPECIAL EXCEPTIONS IN THE WETLANDS CONSERVATION OVERLAY ZONE:**

- a. A special exception may be granted by the Zoning Board of Adjustment for projects classified as “minor wetlands impact” as set forth in NH Code of Administrative Rules, Wt. 303.03, April 21, 1997, as amended, and as defined in Section XI.C.2 of this ordinance provided:
  - It is not feasible for the proposed use, including necessary mitigation measures, to be placed outside the buffer zone.
  - The proposed use is designed to have the least amount of impact on the wetland and the buffer
  - With the exception of Town approved and State permitted wetlands crossings, and stormwater management facilities in accordance with the New Hampshire Department of Environmental Services Alteration of Terrain Regulations, the non-disturbance buffer zone shall be maintained to at least 50 feet from the delineated edge of the wetland unless the lot existed prior to March 11, 1997.
  - The Zoning Board of Adjustment will consider (but is not necessarily bound by) the recommendations of the Planning Board and the Hollis Conservation Commission.
- b. Application Procedure: The following outlines the application requirements and procedures for special exceptions to the Wetlands Conservation Overlay Zone:
  - (i) Submit written request for review of special exception concurrently to the Conservation Commission and the Planning Board no later than fifteen (15) days prior to their respective next meeting dates. This request must include:
    - delineation of the impacted wetland and the buffer zone by a certified soil or certified wetland scientist
    - design, construction, and maintenance methods including erosion control measures for the site
    - restoration and repair measures for the site

The Conservation Commission and the Planning Board may require additional information including but not limited to:

- water quality calculations
  - mitigation measures to address changes in water quality and quantity
  - wildlife assessment performed by a natural resource professional (wetland scientist, soil scientist, wildlife biologist or forestry professional as appropriate)
  - hydrological calculations based on drainage requirements in accordance with Section XI.C.4.b. of this Ordinance.
- (ii) Submit an application for special exception, including all supporting plans, documentation and recommendations from the Conservation Commission and the Planning Board to the Zoning Board of Adjustment at least fifteen (15) days prior to a Zoning Board of Adjustment meeting following the Planning Board meeting at which the request is scheduled for input.
- (iii) Upon approval of the Zoning Board of Adjustment, submit dredge and fill application to the State if applicable.

**8. *PROHIBITED USES WITHIN THE WETLAND CONSERVATION OVERLAY ZONE***

a. The following uses are specifically prohibited within the WCO Zone:

- (i) Any project classified as "major wetland impact" as set forth in NH Code of Administrative Rules, Wt 303.02, April 21, 1997, as amended, and as defined in Section XI.C.2 of this ordinance.
- (ii) Location of a primary structure and related improvements, including the associated limits of construction, within the WCO Zone unless the lot legally existed before March 11, 1997, in accordance with Section XI.C.3.c. of this ordinance.
- (iii) Location of an accessory structure and related improvements, including the associated limits of construction, within the WCO Zone unless the conditions for a special exception in accordance with Section XI.C.7 of this ordinance are met or the lot legally existed before March 11, 1997, in accordance with Section XI.C.3.c of this ordinance
- (iv) All other construction activity, including but not limited to parking lots, except in cases where the proposed use meets the criteria for a special exception (Section XI.C.7) and such a permit has been issued.
- (v) Any land use that harms or degrades the wetlands buffer, the wetland or surface waters, including but not limited to:
  - uncovered or unenclosed storage of road salt and salt storage sheds
  - automobile junk yards/salvage
  - hazardous waste facilities
  - use of fertilizers except for lime and/or wood ash, on lawns or areas with grass
  - bulk storage of chemicals; petroleum products or hazardous materials
  - sand and gravel excavations as defined in RSA 155-E
  - processing of excavated materials
  - dumping or disposal of snow and ice collected from roadways or parking areas.
  - disposal of solid waste, landfills, solid waste transfer stations, recycling facilities, incinerators, and composting facilities.
  - laundromats
  - car washes
  - automotive service and/or repair shops
  - commercial animal feedlots



- disposal of liquid or leachate wastes
- storage or disposal of animal waste or byproducts
- trails, paths, tracks, or other ways, if the traffic caused by these uses compacts and erodes soils in the wetlands buffer or the wetlands.

**D. MULTI-FAMILY ZONE (MF) (Workforce Housing)**

**1. PURPOSE**

The intent of this Section is to define the requirements related to the development of multi-family housing. The opportunity to construct multi-family housing must include considerations to prevent overutilizing of the land. The development plan must follow all applicable federal, state, and local laws with respect to such housing. Compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town must be ensured.

**2. GENERAL STANDARDS**

In order to provide for a variety of workforce housing units in the community, which includes both owner and renter occupied units, the following criteria shall be required for developments proposed in the Multi-family Zone:

- a. Dwelling unit density shall be no greater than four (4) units per acre, based upon the Net Tract Area of the property or the minimum number of units required to make the project economically viable whichever is less.
- b. For any multi-family workforce housing development proposal, a minimum of 25% of the total number of rental units (market rate and affordable) shall be designated as workforce housing/renter occupied units. For any multi-family workforce housing/owner occupied development proposal, a minimum of 30% of the total number of owner-occupied units (market rate and affordable) shall be designated as workforce housing/owner occupied units.
- c. Multi-family development projects shall consist of one- or two-bedroom units. At least 50% of workforce housing units shall consist of two-bedroom units.
- d. Adequate on-site space must be provided for off-street parking, water and sewage disposal systems. The applicant shall demonstrate that the site can accommodate the permitted density as it pertains to its impact on soil as part of the application for review by the Planning Board.
- e. Building types and styles, including exterior aesthetics and unit arrangements, shall be suitable and appropriate for their intended purpose, in light of the size and scale of the project, the prominence and the visibility of the proposed project in the community, the surrounding neighborhood, and other similar factors.
- f. The dwellings qualifying as workforce housing units shall be compatible in architectural style and appearance with the market rate units in the proposed development. The workforce housing units should be interspersed throughout the overall development and not clustered together in one area.
- g. Workforce housing developments shall be exempted from Section IX.J., which limits the number of dwelling units that can be constructed on a lot.
- h. The minimum lot area shall be 4 acres and the lot shall have at least 50 feet of frontage. Garden style structure shall be limited to two stories. Townhouse style may be two stories, provided that a portion of the first-floor area is allocated to a garage use.
- i. Multi-family workforce housing developments submitted under this section shall to the maximum extent practicable, seek to infiltrate the volumetric increase between the existing condition and the proposed condition for the 24-hour, 25-year storm. Standard practices used in hydrology shall be used to determine the volumetric increase and the recharge capacity of the stormwater management system. All groundwater infiltration shall be in compliance with the State of New Hampshire Alteration of Terrain Best Management Practices.
- j. The development shall be landscaped so as to enhance its compatibility with the Town with emphasis given to the use of existing, natural features where possible.
- k. In order to minimize potential intrusion on neighboring land uses, the Planning Board shall require the installation of a 50 foot landscaped buffer strip along the perimeter of the site. The Planning Board shall determine the exact nature of the buffer strip, after taking into consideration existing vegetation, topography and other relevant factors.

- l. The development shall provide for 40% open space, exclusive of wetlands, surface waters, hydric soils, flood plain, and altered/unaltered slopes greater than 25%.
- m. A proposed site shall have adequate soil to accommodate on-site wastewater treatment. Water supply shall be adequate for, and the water system shall be designed to provide, the maximum flow practical for firefighting purposes.
- n. To ensure that the application is completed as permitted, a phasing plan for the project shall provide for the development of workforce housing units concurrently with the market rate housing units. The dwellings qualifying as workforce housing shall be made available for occupancy on approximately the same schedule as a project's market rate housing units, except that the certificates of occupancy for the last 10 percent of the market rate housing units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule setting forth the phasing of the total number of units in a project under this section, along with a schedule setting forth the phasing of the required workforce housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this section.

**3. *BUILDING RIGHTS LIMITATION***

- a. Multi-family workforce housing developments, both market rate housing and workforce housing units shall be exempt from the provisions of Section XIII, Residential Construction Timing and Phasing Ordinance. (Repealed March 2017)

## **SECTION XII: NONCONFORMING USES, STRUCTURES AND LOTS** *(Amended 1993)*

**INTENT:** The intent of this section is to allow for the lawful continuance of nonconforming uses, structures and lots, and to allow a certain reasonable level of alteration, expansion or change to occur by special exception when it can be demonstrated that the proposed alteration, expansion or change will not change the nature of the use, unduly impact the neighborhood or provide inadequate subsurface disposal of waste. Of particular concern is the preservation of the quality of the groundwater, which is Hollis' source of domestic drinking water. Specific attention to the potential of groundwater contamination arising from septic systems which are inadequate or located without adequate setbacks from other septic systems and/or drinking water wells was given in the development of this ordinance.

### **A. NONCONFORMING USES**

1. **CONTINUANCE:** A nonconforming use may be continued although such use does not conform to the current provisions of this ordinance.
2. **DISCONTINUED USE:** Whenever a nonconforming use has been discontinued for more than two (2) years for any reason, such nonconforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this ordinance.
3. **ALTERATIONS:** Alteration, expansion or change of a nonconforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that:
  - a. the proposed alteration, expansion or change will not change the nature and purpose of the original use, and
  - b. the proposed alteration, expansion or change would involve no substantially different effect on the neighborhood, and
  - c. any increase in heated living space, as proposed by the plans submitted which, in the judgment of the Zoning Board of Adjustment, is reasonably capable of increasing the number of bedrooms for a nonconforming dwelling or lot, may require the septic system to be approved by the New Hampshire Division of Water Supply and Pollution Control and the Town of Hollis in accordance with the provisions of New Hampshire RSA 485-A: 38 and the Town of Hollis' septic regulations for the number of bedrooms currently in the home or proposed for the home.

### **B. NONCONFORMING LOTS**

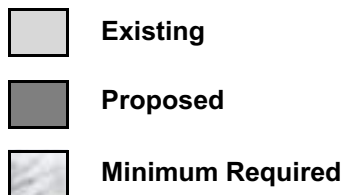
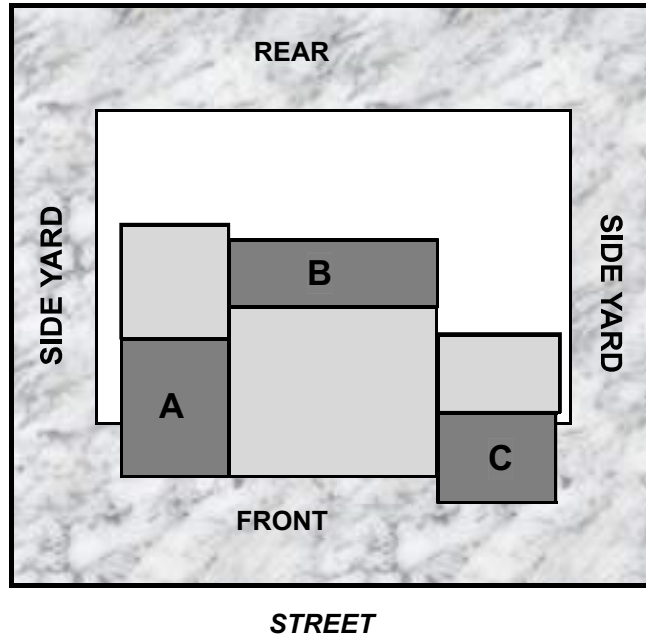
1. A nonconforming lot which has been developed with a structure may be continued for the same use but any alteration, expansion, new construction or change shall only be permitted according to the provisions set forth in item number 3, ALTERATIONS, as described above for A. NONCONFORMING USES. Provided, however, that any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district, shall be permitted.
2. A separate lot which does not conform to the provisions of this Ordinance, which is recorded and taxed as a lot of record at the time of passage of this Ordinance may be used for any conforming use of this district.
3. Any changes to existing septic systems on nonconforming lots must meet the Town of Hollis' Board of Health Subsurface Disposal Regulations.
4. The Zoning Board of Adjustment may grant a special exception to setback requirements for non-conforming lots of less than two acres in the Historic District if the Zoning Board finds that:
  - a. Strict adherence to the existing setbacks would detrimentally impact the Historic District and disturb the streetscape; or
  - b. Strict adherence to the existing setbacks would cause inconsistency in the massing of buildings; or
  - c. Strict adherence to the existing setbacks would be inconsistent with setbacks of existing adjacent buildings; or
  - d. If the structure as designed takes into consideration architectural and spatial elements of adjacent buildings an exception may be granted.
  - e. The ZBA will consider (but is not necessarily bound by) the recommendations of the HDC.

**C. NONCONFORMING STRUCTURE:**

**CONTINUANCE:** Any lawful nonconforming structure existing at the time of adoption of this Ordinance, may be occupied, operated, and maintained in a state of good repair, but any alteration, expansion, new construction or change of such structure that does not further aggravate a front, side, or rear yard setback nonconformity shall only be permitted according to the provisions set forth in item number 3, ALTERATIONS, paragraphs a and b, as described above for A. NONCONFORMING USES, and according to the diagram below.

**Expansions of structures with nonconforming setbacks**

(Not drawn to scale. Assume that the lot is conforming.)



**Explanation:** Proposal "A" requires a special exception;

Proposal "B" requires no action by the Board of Adjustment;

Proposal "C" requires a grant of variance by the Board of Adjustment. Proposal C does not include landings or stairs.

***SECTION XIII: RESIDENTIAL CONSTRUCTION TIMING AND PHASING ORDINANCE***

(Adopted March 1992, March 2017 Repealed by Town Vote)

**SECTION XIV: SIGN ORDINANCE** (*Adopted March 1994, Amended 1996, 2004, 2012, 2013, 2014, 2016, 2017*)

- A. SCOPE:** This Sign Ordinance provides for the installation, maintenance and display of signs in the Town of Hollis. The provisions of this section shall govern the construction, alteration, repair and maintenance of all signs together with the associated appurtenant and auxiliary devices in respect to structural and fire safety.

When reading and using this document, the INTENT of each section should carry more weight in decision making than the specific wording of each section. An attempt is made to state the intent at the beginning of each section. This statement of intent should be used as a guide to interpretation of any specific paragraph, article or provision.

It is the intent of this Sign Ordinance to support the general provisions of the 1991 Hollis Town Master Plan which seeks to preserve the visual New England rural character of Hollis and its Historic District. The following provisions were designed to encourage reasonable uniformity in the size, treatment and presentation of signs used to call attention to the existence of a business, activity, product or service. The ultimate goal of this Sign Ordinance is to ensure traffic safety, prevent obstructions in rights-of-ways, allow the existence of signs that aid orientation and identification of uses and activities to the public without degradation of the surrounding property or properties in any area, while, at the same time, understanding and meeting the need for adequate business identification and advertising.

**B. DEFINITIONS**

**ADMINISTRATIVE BOARD:** The person(s) or board appointed by the Board of Selectmen to be responsible for the interpretation and administration of the provisions of this Sign Ordinance.

**AWNING SIGN:** Any visual message incorporated into an awning attached to a building.

**COPY-CHANGE SIGN:** A sign on which the visual message may be periodically changed. Example: Reader boards.

**DIRECTIONAL SIGN:** A sign limited to providing directional or guide information on the most direct or simple route for on-site public safety and convenience. Directional signs may be located adjacent to driveways. Examples: "IN", "OUT", "ENTRANCE", "EXIT", and "PARKING".

**EVENT-SPECIFIC SIGN:** A non-prohibited temporary sign to be used to announce a non-profit organization event such as a festival, dance, meeting, fund-raiser, parade and other events which have a short term conclusion. These signs shall not promote a business.

**FREE STANDING SIGN:** A self-supporting sign not attached to any building, wall or fence but separate and affixed in or upon the ground. Included are pole signs, pylon signs, monolith and masonry wall-type signs. This does not include portable or mobile trailer type signs.

**GRANDFATHERED SIGN:** A non-conforming sign which legally exists and is allowed to remain even though it may not meet the terms of this ordinance.

**GROUND SIGN:** A sign supported by uprights or braces in or upon the ground surface.

**HISTORIC PLAQUE:** A marker, erected by federal, state, or local authority, identifying a historic place, name and/or date.

**HOLIDAY PERIOD:** A 30 day, or less, period of time surrounding a state recognized holiday, all of which time may be spent before or after the holiday.

**HOME OCCUPATION SIGN:** A sign which identifies a home occupation.

**ILLUMINATED SIGN:** Any sign illuminated by electricity, gas or other artificial light either from the interior or exterior of the sign and which includes reflective and/or phosphorescent surfaces.

**INFORMATION SIGN:** A sign, without advertising, designed and intended to convey information about a permitted use, to convey regulations or restrictions, or otherwise to provide needed guidance to the general public.

**LINEAL BUILDING FRONTAGE:** The length of a ground level straight line or lines parallel to and equaling the length of the building front that includes the main public entrance(s) or the side of the building fronting on the principal roadway. In the case of a multi-unit development, the frontage of each separate building is additive for the purpose of determining permissible sign area.

**MOBILE SIGN:** See Portable Sign.

**NON-CONFORMING SIGN:** A sign which does not comply with the provisions of this ordinance, but which

legally existed prior to the adoption of this Sign Ordinance.

**OFF-PREMISES SIGN:** A sign unrelated to a business or a profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located and/or a sign placed more than 300 feet from the main vehicular entrance to the advertised business or activity.

**PERSON:** Any individual, corporation, unincorporated association or other legal entity.

**PORTABLE SIGN:** A sign capable of being readily removed or relocated, and not attached to the ground, a building, a structure or another sign. This includes moveable signs mounted on a chassis, "A" frame and/or wheels, or supported by legs.

**PROJECTING SIGN:** A sign that is attached to the building wall or structure and which extends horizontally more than 6 inches from the plane of such wall, or a sign which is placed perpendicular to or at no less than a 45 degree angle to the face of such wall or structure.

**REAL ESTATE SUBDIVISION SIGN:** A sign that is erected to inform the public that a subdivision is being constructed and that one or more real estate agents represent the sale of lots or buildings within this subdivision.

**REFLECTING SIGN:** A sign which uses glass beads or some artificial substance whose primary purpose is to reflect light and cause this sign to "glow" when illuminated.

**REPRESENTATIONAL SIGN:** A three-dimensional sign built to physically represent the object advertised.

**RESIDENTIAL SIGN:** A sign which gives a name to a residence or farm such as "LAZY ACRES".

**ROOF SIGN:** A sign which is erected, constructed and maintained above the roof of the building. This includes any painting on the roof of a structure or design in the roofing material which effectively constitutes a sign.

**SIGN:** Any fabricated sign or outdoor display structure, including its structure, consisting of any letter, figure, character, mark, point, plane, marquee, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter or illuminating device, which is constructed attached, erected, fastened or manufactured in any manner so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine or merchandise, and displayed in any manner out of doors, or indoors as a window sign, for advertising purposes.

**SIGN DIRECTORY:** A listing of two or more business enterprises, consisting of a matrix and sign components.

**SIGN STRUCTURE:** The supports, uprights, bracing and framework for the sign.

**SIGN SURFACE AREA:** The entire area within a single, continuous perimeter enclosing all elements which form an integral part of the sign. The structure supporting a sign and pole covers or architectural embellishments shall be excluded unless the structure is designed in a way to form an integral background for the display. For purposes of calculating sign surface area, only one face of a double-faced, free-standing sign shall be included as surface or area of such sign. In the case of a sign consisting of 2 or more sides where the angle formed between any 2 or more sides or the projections exceed 30 degrees, each side shall be considered a separate sign area.

**SUBDIVISION SIGN:** A sign which states the name of the subdivision only and does not advertise lots and/or homes for sale nor agents to contact for such sales. Examples of such signs are: "CRESTWOOD", "FIELDSTONE", "RICHLAND ESTATES", and "SUNSET HEIGHTS".

**TEMPORARY SIGN:** A sign constructed of cloth, fabric, or other lightweight temporary material with or without a structural frame intended for a limited period of display.

**TOWN:** The Town of Hollis and/or its governing body.

**WALL SIGN:** A sign that is painted on, incorporated into or affixed parallel to the wall of a building and which extends not more than 6 inches from the surface of the building.

**WINDOW SIGN:** A sign visible from a sidewalk, street or other public place, painted onto or affixed to glass or other window material, or located inside within 2 feet of the window, but not including graphics in connection with customary window display of products.

- C. **ADMINISTRATION:** This section contains the requirement and application procedures that govern all matters concerning any sign which is to be erected, displayed, altered, reconstructed or maintained, including its supporting structure and any associated auxiliary devices in respect to structural and fire safety.



1. **ADMINISTRATION:** The Board of Selectmen shall appoint an Administrative Board or the Building Inspector/Code Enforcement Officer to interpret and administer this Sign Ordinance. The Building Inspector/Code Enforcement Officer has great discretion in many areas, as spelled out in the Ordinance.
2. **RELIEF:** Any relief, exception or variance sought from this Sign Ordinance, having been denied by the Building Inspector/Code Enforcement Officer may be brought before the Hollis Zoning Board of Adjustment.
3. **ENFORCEMENT:** The Building Inspector/Code Enforcement Officer shall be the enforcement authority of all provisions of this Ordinance. The Building Inspector/Code Enforcement Officer shall notify the violator(s) of the violation(s), along with any corrective action required.

**D. GENERAL REQUIREMENTS**

1. Unless otherwise specifically provided for in other sections of this Ordinance, no person shall erect, display, relocate, repair or reconstruct any sign, sign structure or outdoor display structure, in any district without first obtaining a permit from the Building Department
2. All signs and their structures that are to be erected, altered, relocated, repaired or reconstructed in any district must be approved by the Building Inspector/Code Enforcement Officer.
3. In the Historic District, all signs and their structures that are to be erected, altered, relocated, maintained, repaired or reconstructed are subject to the provisions of the Historic District Ordinance and must be approved by the Historic District Commission.
4. A permit and/or approval from the Building Inspector/Code Enforcement Officer is not required for maintenance of an existing sign as long as the maintenance does not include the cutting away of the sign structure or any alteration changing the original sign's appearance including, but not limited to, color, wording, and other sign attributes.

**E. APPLICATION FOR PERMIT**

1. All applications for sign permits shall be filed, by the property owner, building owner or owner in fee. Applications shall be filed with the Building Inspector, on forms provided by the Building Department. All applications shall bear the signature of the building or property owner or shall include a signed affidavit, by the owner, granting authorization for the applicant to apply for and install the proposed sign. All approved applications shall bear the signature of the Building Inspector/Code Enforcement Officer, Historic District Commission or Zoning Board of Adjustment, whichever applies.
2. All applicants for sign permits shall indicate all proposed materials to be used, including the support system configuration and design. The location of the proposed sign shall be included, showing all dimensions and measurements to property lot lines, principal building and other permanent structures.
3. All applicants for sign permits shall submit construction documents that include a scale drawing of the proposed sign showing size, color and lettering styles.
4. All applicants for sign permits shall include any and all information deemed necessary by the Building Inspector, to ensure that the proposed sign complies with all applicable codes and Zoning Ordinance regulations.
5. All applicants for sign permits shall be required to submit a fee for filing and no permit shall be deemed complete until all applicable fees are paid to the Town of Hollis, NH. A schedule of fees for sign permits will be established and/or amended from time to time by the Board of Selectmen. Such fee changes shall not be deemed to be an amendment to this Ordinance.

**F. PERMITS**

1. The Building Inspector shall review and act upon all applications for sign permits and amendments thereto, within 7 days after filing. If the application or the construction documents conform to the Sign Ordinance or Building Code and are complete. The Building Inspector/Code Enforcement Officer shall issue a permit within 30 days. If the application or the construction documents do not conform or are not complete, the Building Inspector/Code Enforcement Officer shall notify the applicant in writing, stating the deficiencies and advising the applicant of his right to amend and resubmit the application or appeal directly to the Zoning Board of Adjustment.
2. Any permit issued shall become invalid if the sign is not erected within 6 months after the date of issuance.
3. Any person, applicant or agency representing a property owner who has been denied a permit can appeal such

decision to the Zoning Board of Adjustment, within 20 days after receipt of the notice of denial for a permit.

4. Violations of this Ordinance shall be subject to fines and penalties specified in the NH Revised Statutes Annotated.

**G. GENERAL PROVISIONS:** Unless specifically addressed under a particular section, all signs must comply with the general provisions listed under this section. This section also provides guidance and standards for construction of signs requiring permits and shall also serve as guidance for the construction of exempt signs.

1. **SIZE:** Reference by this Ordinance to size of a sign shall mean the sign surface area of a sign as defined herein.
2. All signs and sign structures shall be painted/fabricated in a professional manner in keeping with generally accepted construction standards of quality and design.
3. All signs, sign structures, and their appurtenant illumination devices shall be constructed in accordance with the Town adopted codes and regulations.

**H. PROHIBITED SIGNS:** This section intends to list specifically some prohibited signs. This list is not meant to be inclusive. Rather, it should be representative of the kinds of signs, which are prohibited in the community. The following are examples of prohibited signs:

1. Animated or moving signs, or signs which are made to appear to move;
2. Any internally lit signs, reflecting signs or "neon" signs which emit light or utilize any flashing light;
3. Any off-premises sign (unless where expressly permitted);
4. Any off-premises directional signs bearing advertising or which are not a part of an approved Sign Master Plan;
5. Mobile or portable signs except as may be permitted in Section XIV.P.2 of this ordinance;
6. Roof signs;
7. Free standing signs exceeding 16 feet in height as measured from the average ground or road elevation, whichever is greater, to the top of the sign or its supporting structure;
8. Signs which impair or cause confusion of vehicular or pedestrian traffic in their design, color, placement or display characteristics. No sign shall impair visibility for the motorist at a street corner or intersection by placement and location within 25 feet of the intersection of the street or highway lines;
9. Banners, pennants, ribbons, streamers, spinners or similar moving fluttering or revolving devices except OPEN FLAGS as described in EXEMPTIONS section;
10. An advertising message extended over more than one sign placed along a street or highway unless as an integral part of a Sign Master Plan;
11. Signs attached to fences, trees, utility poles, rocks or other parts of a natural landscape, or in a position that will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the general public;
12. Two permitted or exempt signs combined to create a larger sign;
13. Representational signs;
14. Outdoor displays or display structures, except that display stands on a farm premises shall be permitted, subject to other provisions of the Zoning Ordinance;
15. Temporary signs except as may be permitted as an EVENT-SPECIFIC sign;
16. Umbrella signs except as may be permitted by the discretion of the Building Inspector/Code Enforcement Officer;
17. Any other sign not expressly permitted by this Sign Ordinance.

**I. EVENT-SPECIFIC SIGNS:** This section provides for any sign, which is not intended for permanent display with the exception of some real estate signs as described in the REAL ESTATE SIGNS section and seasonal agricultural signs. This section is intended to allow for event-oriented signs including but not limited to signs which display information about political candidates, festivals, dances, business openings, sales, meetings, fund-raisers, parades and events which have a definite short-term conclusion. It is the intent of this section that a single physical sign, with the exception of copy-change signs, or different signs displayed consecutively shall be considered as one sign and the

days that these signs are displayed shall be cumulative. Such signs shall not be displayed for more than 35 days in any 12-month period (this is not intended to mean a calendar year).

Any sign which is displayed for more than 35 days in any consecutive 12-month period is considered a permanent sign and shall not be considered under this section of the Ordinance. It will be the discretion of the Building Inspector/Code Enforcement Officer to require a permanent sign such as a copy-change sign, window sign, etc. as an alternative to a proposed event-specific sign.

1. Event-specific signs must have permission of the property owner.
2. An application for event-specific signs must be submitted to and approved by the Building Department. A sticker will be issued upon approval, and must be displayed on the sign.
3. Event-specific signs may be displayed no more than 30 days in advance of an event (including the date of the event) and must be removed no more than 5 days after the event.
4. Event-specific signs may not be attached to utility poles nor positioned where they will obstruct or impair traffic or in any manner create a hazard or disturbance to the health, safety and welfare of the public.
5. Event-specific signs shall not exceed 32 square feet of sign surface area.
6. No one parcel shall be allowed more than three event-specific signs at one time.
7. The Building Inspector/Code Enforcement Officer has the discretion to vary the terms and conditions identified in this EVENT-SPECIFIC SIGNS section.

**J. ILLUMINATION STANDARDS:** This section is intended to allow for the illumination of signs for public visibility during non-daylight hours. Any device and/or electrical component shall illuminate the sign only and shall not cast light, glare or reflected light on adjacent buildings or roadways or create a nuisance to abutters. Nor shall such illumination cause distraction to drivers of passing vehicles. Illumination shall be of low intensity and shall be directed so that the sign is adequately lit with a subdued light falling only on the subject sign. The minimum amount of lighting required to allow this sign to be visible shall be used and be appropriate to the character of the sign and surroundings.

1. A sign shall be illuminated only by a steady or continuous white light.
2. A sign must not flash either from interior or exterior light sources.
3. A sign shall not contain any "neon" lighting.
4. Holiday displays are the only instance when illuminated bulbs or strings of lights are allowed, except for those lights directed at and intended to illuminate a sign. Holiday displays may only remain lighted during the specific Holiday period.
5. Signs shall be illuminated so that no hazard is created to pedestrian or vehicular traffic due to intensity or direction of illumination.

**K. CONSTRUCTION AND SAFETY STANDARDS:** This section provides for signs and sign structures that will be structurally sound and built to withstand New England weather. This section also intends to provide for the safety of the general public with respect to any erected sign.

1. All signs and sign structures are to be constructed of good quality material and should be structurally safe in design and installation.
2. Signs shall not be permitted to be poorly located, improperly maintained, abandoned, or allowed to deteriorate, so as to pose a threat to public safety or to degrade the aesthetic appearance of the Town.
3. Signs shall not impede the visibility of traffic or create other dangerous conditions with respect to vehicular drivers and/or pedestrians.
4. Permanent signs should be built to last ten years or more.
5. All signs should be kept in proper repair and should not be allowed to deteriorate structurally or fade beyond recognition.
6. All signs, sign finishes, supports and electric work shall be kept clean, neatly painted and free from all hazards, such as, but not limited to, faulty wiring and loose supports, braces, guys and anchors.

7. All signs should be constructed to withstand 80 mile per hour winds and shall be maintained to continue to meet this safety standard.
  8. All signs, with the exception of OPEN FLAGS, shall be securely anchored.
  9. The Historic District Commission, when acting on a sign permit application for property within the Historic District, may determine specific requirements as outlined in its policies.
- L. EXEMPTIONS:** The following types of signs may be erected and maintained without permits or fees, provided that such signs otherwise comply with the general requirements of this Sign Ordinance, and adhere to general construction and safety standards and other conditions specifically imposed by all other regulations. Signs otherwise exempt, may nonetheless require review by the Historic District Commission, as noted below. Any sign required by state or federal regulations may supersede the requirements of this Ordinance.
1. Signs erected or posted and/or maintained for public safety and welfare or pursuant to governmental function, law, regulation or ordinance.
  2. Directional signs solely indicating entrance and exit placed at driveway locations. These should contain no advertising and shall not exceed 3 square feet of sign surface area nor extend higher than 4 feet above the average ground level. Subject to Historic District Commission approval within the Historic District.
  3. Signs relating to trespassing, and/or hunting, hiking, walking. These signs shall not exceed 2 square feet of sign surface area unless part of a Conservation Area Sign Master Plan. Subject to Historic District Commission approval within the Historic District.
  4. Historic plaques which depict a historic site, stone, monument, marker or other item/place of historic significance. These such markers shall not exceed 2 square feet in sign surface area. This paragraph shall not be deemed to regulate any plaque which is mounted on and is a part of the historic monument, but merely the plaque which advertises such an item or place. For example, a list of names mounted on a monumental stone or other edifice shall not be regulated under this Ordinance, subject to Historic District Commission approval within the Historic District.
  5. Open Flags: These are flags of approximately 3 feet by 5 feet in size, usually red, white and blue in color and solely contain the word "OPEN". Properties are limited to one Open Flag unless the property is located on a corner and has 2 sides on a public way in which case that property may use 2 Open Flags.
  6. Flags and insignia of any government except when displayed in connection with commercial promotion.
  7. Number and name plates identifying residents, mounted on a house, an apartment, or a mailbox, not exceeding 2 square feet in sign surface area.
  8. Lawn signs identifying residents with no more than 2 faces and not exceeding 2 square feet of sign surface area per face. Such signs are to be non-illuminated except by a light which is an integral part of a lamp post if used as a support with no advertising message thereon.
  9. Yard Sale/Private owner merchandise sale signs for garage sales and auctions, not exceeding 2 square feet of sign surface area for a period not exceeding 7 days.
  10. Temporary non-illuminated "FOR SALE", "FOR RENT", real estate signs and signs of similar nature, concerning the premises upon which the sign is located. All such signs shall not exceed 5 square feet of sign surface area and must be removed within 3 days after the sale, lease or rental of the premises. Refer to REAL ESTATE SIGNS section.
  11. Non-illuminated window signs and posters not exceeding 25% of the window surface on which the sign(s) is displayed.
  12. Holiday decorations and lighting may be displayed without a permit.
  13. Integral graphics or attached price signs on fuel pumps at automobile service stations.
  14. Decals used to reference authorized services (e.g., credit or bank cards) when not exceeding 144 square inches in total display area per business.
  15. Political signs, which are regulated under RSA 664:17 as amended.

**M. RESIDENTIAL AND SUBDIVISION SIGNS:** This section addresses those signs, which pertain to residences and subdivisions.

1. Residential signs (signs which names a residence such as 'LAZY ACRES') and permitted Home Occupation signs can contain no more than 4 (four) square feet of sign surface area.
2. Subdivision signs (which state the name of the subdivision) shall contain the name of the subdivision only and shall not exceed 16 square feet of sign surface area. Subdivision signs shall not advertise lots and/or homes for sale nor agents to contact for such sales. Examples of such signs are: "CRESTWOOD", "FIELDSTONE", "RICHLAND ESTATES", "SUNSET HEIGHTS"

**N. AGRICULTURAL SIGNS:** This section addresses signs erected by agricultural enterprises and is intended to give more latitude to agricultural enterprises in keeping with the goals of the Hollis Town Master Plan to preserve the rural/agricultural character and assets of Hollis.

1. Permanent agricultural signs: When affixed to a building, a sign shall not exceed 20 square feet of sign surface area. A free-standing sign shall not exceed 20 square feet of surface area with no one horizontal or vertical dimension greater than 6 feet. Posts supporting a free-standing sign shall have a total width of no more than 1 foot (unless specified otherwise by building code requirements).
2. Seasonal agricultural signs.
  - a. General. All seasonal agricultural signs:
    - i. Shall be removed within one week of the end of the pertinent harvest season;
    - ii. Shall conform to the pertinent substantive requirements of the Hollis Sign Ordinance; and;
    - iii. Shall not require approval by the Historic District Commission.
  - b. On-premises seasonal agricultural signs. All such signs:
    - i. Shall not exceed 20 square feet of sign surface area with no one horizontal or vertical dimension being greater than 6 feet.
    - ii. May be placed at any location on the enterprise's premises;
    - iii. Shall be limited in number to one sign, with the exception of pick-your-own opportunities, where 1 (one) additional sign may be displayed per crop picked where it has been grown (such as "Apples", "Peaches" & "Strawberries", etc.) provided that it displays directional information;
    - iv. Shall not require approval by the Building Inspector/Code Enforcement Officer; and
    - v. Shall not require approval by the Building Department.
  - c. Off-premises seasonal agricultural signs. All such signs:
    - i. Shall not exceed 4 (four) square feet of sign surface area;
    - ii. Shall contain directional information;
    - iii. Shall require initial permits from the Building Inspector/Code Enforcement Officer and the Building Department, which permits shall automatically renew for subsequent seasons; and
    - iv. May be relocated by permit only.
    - v. A maximum of 3 (three) off-premises seasonal signs are permitted per each Agricultural Enterprise.
3. An Agricultural Enterprise may adopt a Sign Master Plan to increase the maximum amount of sign surface area available for marketing purposes at the enterprise's primary location. Refer to the SIGN MASTER PLAN section.

- O. REAL ESTATE SIGNS:** This section provides for those signs normally used by real estate agents in the advertising of lots or homes for sale. Such signs are considered “Sales Signs” and are not those signs which are erected to inform the public that a subdivision is being constructed and that one or more real estate agents represent the sale of lots or buildings within the subdivision. This latter type of sign is considered a “Real Estate Subdivision Sign”, is an advertisement and should not be construed to be a SUBDIVISION SIGN as described in the RESIDENTIAL AND SUBDIVISION SIGNS section.

This section allows a new subdivision to erect a larger sign than is normally permitted at its entrance, for the purpose of marketing of lots and buildings. It is not intended to allow for the marketing of older or pre-sold homes or lots. Real Estate Subdivision Signs shall not be erected to advertise one or more lots or buildings on a particular street after the newly built subdivision has been marketed. This type of marketing calls for “Sales Signs.”

1. Sales Signs do not require a permit or approval by the Historic District Commission.
  2. Sales Signs may not exceed 5 square feet of sign surface area.
  3. Sales Signs shall not exceed one per lot except that corner or double frontage lots may have one on each front.
  4. Sales signs shall not be used as off-premises advertising.
  5. Sales Signs must be removed within 3 days after a sales transaction is complete.
  6. Off-premises directional signs are allowed for the purpose of directing the public to an “OPEN HOUSE” and do not require a permit. Such signs may not exceed 4 square feet of sign surface area. Messages shall be limited to name or identification, arrow or direction, and distance. Off-premises directional signs may be erected no earlier than three (3) days prior to the “OPEN HOUSE” has begun and must be removed no later than one (1) day after the “OPEN HOUSE” has ended.
  7. Real Estate Subdivision Signs require a permit.
  8. Real Estate Subdivision Signs located within the Historic District shall not exceed 20 square feet of sign surface area and will be single-faced.
  9. Real Estate Subdivision Signs located within an Industrial Zone shall not exceed 32 square feet of sign surface area and may be double-faced.
  10. Real Estate Signs located in areas not mentioned above shall not exceed 32 square feet of sign surface area and will be single-faced.
  11. Real Estate Subdivision Signs shall be removed when the active marketing of unsold lots or homes has ceased.
- P. HISTORIC DISTRICT SIGNS:** The intent of this section is to ensure the appropriateness of the placement, design, size, color and execution of signs within the Historic District so that they are visually compatible with structures and environment in the area.
1. Any proposed sign, sign structure or existing sign to be changed in either size, color, or lettering, and other similar attributes is subject to approval by the Historic District Commission. The following are required for application to the Historic District Commission:
    - a. A detailed, to scale drawing showing the type of lettering, all dimensions and colors;
    - b. A description of materials to be used and methods of illumination, if any; and
    - c. A plan showing the sign’s location on the building or property.
  2. Signs should not contain more than 3 colors, except in instances of an illustration. Dark backgrounds with light colored lettering are encouraged. Signs with white background and traditionally colored lettering are allowed. Fluorescent or glowing colors are prohibited.
  3. Signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings or cornices.
  4. Signs on adjacent storefronts, within the same building, shall be coordinated in design, height, and proportion.
  5. A storefront should not have more than 2 signs, one primary and one secondary.
  6. Colors should harmonize with the facade color of the building.

7. The size of the signs should be restricted to ensure that signs do not overpower the facades to which they are affixed. Not more than 1.5 square feet of total signage area will be permitted per lineal foot of the storefront, not to exceed 32 square feet. The width of the primary sign shall be 2/3 of the width of the building street frontage or less.
8. Awnings can serve as signs with contrasting letters painted or sewn onto the valance. Usually, 6-to-8-inch letters are sufficient.

**Q. BUSINESS AND INDUSTRIAL SIGNS:** This section provides for those signs used by business entities in the Agricultural & Business Zone, Commercial Zone, and the Industrial Zone. This section is meant to address anything which advertises, names, calls attention to or informs the general public of any product sold or service performed on the premises.

**1. GENERAL REQUIREMENTS**

- a. A single business, single building, may have one sign per entrance not to exceed 32 square feet of sign surface area.
- b. A single business, single building, which is located on a corner lot may have 2 signs facing each public view. The total maximum sign surface area is not to exceed 32 square feet.
- c. A group of 2 or more businesses and/or industrial buildings may have one sign per entrance from a public road. Each sign is limited to a maximum of 32 square feet of sign surface area and must be free standing. Individual occupants within a building or collection of buildings may have, in addition, 1 sign with up to 6 square feet of sign surface area per occupant on the exterior of the building. In addition to the above, each individual occupant may have 1 sign with up to 2 square feet of sign surface area at its rear entrance.
- d. A group of 2 or more industrial buildings located in an Industrial Zone may have one sign per entrance from a public road. Each sign is limited to a maximum of 50 square feet of sign surface area and must be free-standing. Individual occupants within a building or collection of buildings may have, in addition, one sign with up to 6 square feet of sign surface area per occupant on the exterior of the building. In addition to the above, each individual occupant may have one sign with up to 2 square feet of sign surface area at its rear entrance.
- e. The total cumulative area of all signs permitted on any lot shall not exceed 2 square feet of sign surface area per lineal foot of building street frontage and in no case shall exceed 80 square feet, whichever is less, except as allowed in Sign Master Plans.

**2. MOBILE AND PORTABLE SIGNS**

- a. One self-supporting freestanding ("A-frame style") sign, which meets the construction standards of the ordinance, will be permitted at individual places of business. The maximum sign size is 25" x 36", with the top to be no more than 46" from the ground. Signs must be taken in at the close of business each day. These signs are used to promote a business and shall be placed on the parcel (lot) where the business resides out of the town/state right-of-way.
- b. An application for these signs must be submitted to and approved annually by the Building Inspector/Code Enforcement Officer using the same procedure as for event-specific signs. A sticker will be issued upon approval, which must be displayed on the sign.

**3. PROJECTING SIGNS**

- a. May not exceed 6 square feet of sign surface area.
- b. May have a structure that is attached to the building wall or structure and extends horizontally more than 6 inches from the plane of such wall or structure and can be no closer than 2 feet from the public right of way.
- c. Must be placed at a perpendicular angle or at an angle no less than 45 degrees from the wall or structure.
- d. Shall conform to Town-adopted ground clearance codes.
- e. Which overhang a public way, private street/road or sidewalk or path where pedestrians travel shall be covered by a public liability insurance policy which indemnifies the Town of Hollis. A certificate of insurance shall be forwarded to the Town which shall also be notified by insurance company should the coverage be discontinued for any reason.

- f. Must not interfere with fire and rescue operations.

**4. *AWNINGS***

- a. Graphics may be painted, affixed or flat on the surface of the front or sides.
- b. Graphics shall indicate only the name and/or address of the enterprise or premises.
- c. Shall conform to Town-adopted ground clearance codes.

**5. *COPY-CHANGE SIGNS***

- a. Are allowed to display daily specials
- b. Must be part of the permanent signage and adhere to general construction standards and be professionally manufactured. Lettering is limited to 4 inches in height and should be made from rigid polycarbonate materials.

- 6. ***CONTRACTOR'S SIGNS*** shall not exceed 4 square feet of sign surface area and may be displayed while the contractor is actually working on the property and shall not be displayed more than one week prior to such work commencing and no later than one week after the work is complete.

**R. *VENDING MACHINES:*** It is the intent of this section to control where and when exterior vending machines are allowed. This section means to provide a special process for dealing with vending machines on an individual basis.

- 1. Exterior vending machines are permitted by special exception in any zoning district where they are compatible with the surroundings.
- 2. Any applicant who applies for a special exception to install a vending machine shall also specifically address in the application the method of lighting desired, if any. Approval of a vending machine does not automatically grant approval of lighting.
- 3. The Zoning Board of Adjustment shall hear and act on a vending machine request in the same manner as it acts on other special exception applications except that, in cases where a special exception is requested for a vending machine for a location within the Historic District, the Zoning Board of Adjustment may consider, but not necessarily be bound by, recommendations of the Historic District Commission.

**S. *SIGN MASTER PLANS:*** This section details additional signage allowed for those clusters of businesses and/or buildings, agricultural enterprises, and land conservation areas where adherence to the standard provisions of this Ordinance could result in a clutter of signs and detract from the aesthetic appearance of the environment. The intent of this section is to promote a uniform and aesthetic message presentation that is designed to provide information to the general public through its design and coordination of elements.

- 1. Unless specifically provided for in this section or at the discretion of the Building Inspector/Code Enforcement Officer, the general provisions of the other sections of this Sign Ordinance shall govern.
- 2. Sign Master Plans are encouraged in the following situations:
  - a. Where groups of 3 or more contiguous commercial and/or industrial units/lots are to be located together in a development.
  - b. Where one or two businesses total not less than 20,000 square feet of gross leasable area.
  - c. Where 3 or more individual businesses on contiguous lots so elect.
  - d. For all agricultural enterprises.
  - e. For land conservation areas.
- 3. The development (described in b. above) may adopt a Sign Master Plan to govern advertising and shall present such plan to the Building Inspector/Code Enforcement Officer for approval.
- 4. A Sign Master Plan approved by the Building Inspector/Code Enforcement Officer shall detail the placement, design, color coordination, visibility, informational messages and compatibility with the general design of the cluster of businesses or development.



**5. GENERAL REQUIREMENTS**

- a. Total signage area for the entire development or cluster shall be calculated at the rate of 2 square feet of sign surface area per foot of lineal building front if applicable.
- b. Each Sign Master Plan may provide for one common, free standing, sign denoting the name of the facility, not exceeding 80 square feet in sign surface area and with a bottom panel not less than 6 feet above the average ground or road elevation, whichever is greater, and a maximum height of 16 feet as measured from the same point.
- c. All secondary signs in the Sign Master Plan shall be attached to buildings, or walls and shall be coordinated in material, shape, lettering, color and/or decorative elements.
- d. Informational and directional signs, with the exception of uniform traffic control devices, shall be consistent with the general sign design of the development or cluster and are exempt from the total sign area calculation provided they do not contain advertising.

**T. GRANDFATHERED SIGNS:** It is the intention of this Ordinance to encourage GRANDFATHERED signs to come into conformity with the provisions of this Ordinance. The Building Inspector/Code Enforcement Officer shall use its discretionary powers to grant incentives to any person who presents a plan to reconstruct their GRANDFATHERED sign to meet or better approximate the provisions of this Ordinance. Ultimately, any GRANDFATHERED sign which is to be structurally altered, relocated or replaced so as to be more compliant with other provisions of this Ordinance shall be allowed at the discretion of the Building Inspector/Code Enforcement Officer.

1. GRANDFATHERED signs are allowed to remain even though these signs may not meet the terms of this Ordinance. These signs may be maintained and continue to exist as long as they present the same message and image to the public eye.
2. A GRANDFATHERED sign shall not be enlarged or replaced by another more non-conforming sign.

**SECTION XV: HOLLIS RURAL CHARACTER PRESERVATION ORDINANCE** (*Adopted March 2004*)

- A. **AUTHORITY:** This ordinance is promulgated by the Town of Hollis Town Meeting as an amendment to the existing zoning ordinance, pursuant to the authority provided to said Town by RSA 674:15.
- B. **APPLICABILITY:** This ordinance applies to the entire area of the Town of Hollis and to every zoning district therein as an overlay district. The provisions of this ordinance do not alter the list of permissible uses or the dimensional requirements of any district in any way, but address the manner in which development occurs and its placement on the landscape. All subdivision plans and site plans for commercial or industrial uses are required to comply with the provisions of this section. The Planning Board is empowered to modify or waive the requirements of this section as described in Section E below. The Planning Board is also empowered to adopt regulations to implement the intent of purposes of this ordinance.
- C. **OBJECTIVE:** To preserve and maintain Hollis' scenic vistas and rural character, particularly as seen from Public Roads, 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.

**Means:** This ordinance shall provide a mechanism for the Planning Board to reasonably regulate the design, placement and buffering or screening of buildings, other structures, roads and driveways in the process of subdivision and site plan application review, in such a way as to best preserve the rural and scenic qualities of Hollis' landscape, in order to:

1. Eliminate the siting of new construction on or near the crest of prominent hilltops and ridges, particularly as seen from Public Roads.
2. Fit development into the landscape to minimize significant landscape alterations.
3. Buffer or screen development with vegetation where a natural wooded buffer or screen is sparse or non-existent.

**D. DEFINITIONS**

1. **ANLA STANDARDS:** Refers to the American Nursery and Landscape Association's publication, "American Standards for Nursery Stock", as amended.
2. **BUFFERING:** The use of vegetation or other visual barriers to soften or reduce the visual impact of buildings, manmade features and/or clearings associated with development.
3. **SCREENING:** The use of vegetation or other visual barriers to block the view of buildings and manmade features associated with development.
4. **CLEAR-CUTTING:** For purposes of this ordinance, clear-cutting is defined as the cutting of at least 50% of the total forest cover on a lot.
5. **FOREST COVER:** The total canopy expanse of a contiguous group of trees.
6. **NATIVE SPECIES/NATIVE VEGETATION:** Those species whose presence in the area extends to pre-Colonial times.
7. **RETAINING STRUCTURES:** A wall or other structure designed by a qualified professional engineer and placed at the toe (bottom) of a slope.
8. **RIDGELINE:** The long, relatively narrow crest or horizontal line of hills, usually at the highest elevation.

**E. WAIVERS**

The Planning Board is expressly empowered to modify or waive any requirement of this Rural Character Preservation Ordinance when requested in writing, if the applicant demonstrates and the Planning Board finds, after a hearing, that:

1. The requirements of this ordinance will prevent the applicant from being able to develop the subject property to a density otherwise acceptable to the Hollis Planning Board and permitted in the Hollis Zoning Ordinance; and,
2. The requested waiver is the minimum deviation necessary to permit the applicant the maximum permissible density acceptable to the Hollis Planning Board, and that the remainder of the submission, to the extent possible, conforms to the purposes and intent of this ordinance.

## **F. DESIGN STANDARDS**

It is the intent of this ordinance to complement the Hollis zoning ordinance and subdivision and site plan regulations. This ordinance protects the scenic landscape of Hollis through standards governing the placement and buffering or screening of structures and other man-made features on the landscape.

### **1. Standards for vegetative buffering and screening of building sites and cleared areas**

Screening should be placed in the open space areas of developments as much as possible. Open space in subdivisions should be configured so as to maximize the buffering and/or screening of building sites and disturbed areas. The Planning Board may determine whether buffering and/or screening is appropriate in each situation. The following design standards should be used where appropriate.

- a. Minimize the removal of existing vegetation that serves to buffer or screen proposed buildings and other manmade features. Trees may only be removed for the construction of streets, driveways, structures, well and septic systems and lawn or meadow areas or as part of a timber stand improvement program.
- b. Do not use stone riprap as a substitute for plantings in areas disturbed by earthmoving operations. Such areas are to be re-vegetated by appropriate means for screening, buffering and/or erosion control, and using appropriate plants. (See also 4, Road and Driveway Design and Placement Standards, paragraph f.)
- c. Use plantings to screen or buffer buildings in open or visibly prominent areas. If existing vegetation provides insufficient buffering or screening, use plantings that are compatible with existing vegetation, and/or are composed of native species. Plant trees in random clusters, not in rows, to simulate the appearance of natural tree stands.
- d. Do not use plants considered to be exotic invasive by the New Hampshire Department of Agriculture, and/or included on the State of New Hampshire's list of Prohibited Plants, or Prohibited Plants with restrictions.
- e. Follow the most current ANLA minimum size standards for plants used as vegetative buffering or screening as follows:
  - Deciduous shade trees: not less than 2-inch caliper and 8 feet tall
  - Deciduous ornamental trees: not less than 1.5-inch caliper and 6 feet tall
  - Deciduous shrubs: not less than 3 to 4 feet tall
  - Coniferous evergreen trees: not less than 5 feet tall
  - Coniferous and broadleaved evergreen shrubs: not less than 24 to 30 inches tall, or wide, if of a spreading nature.
- f. Plant vegetative buffering or screening of such a size and density to provide a reasonable expectation of buffering or screening development within five years.
- g. Include a canopy layer and an understory layer in vegetative buffering or screening, unless the specific situation warrants otherwise.
- h. Submit a management plan describing maintenance procedure for all plantings with the subdivision or site plan application. The management plan should address such issues as the schedule of planting, watering, fertilizing, pest control, trimming/tree maintenance and similar matters.
- i. Any property that has been clear-cut within the preceding ten (10) year period, and/or will be as a result of any proposed development, shall be required to conduct revegetation or other mitigation as deemed necessary by the Planning Board in order to comply with the intent and purposes of this ordinance.

### **2. Standards pertaining to construction on slopes, hillsides and/or ridgeline situations.**

- a. In the course of its review of a subdivision or site plan, the Planning Board may identify any characteristic, view or vista, as seen from a Public Road, that it deems of sufficient importance to warrant consideration pursuant to this ordinance. Once such characteristics, view or vista are so identified, the design of the project shall be governed by the following:
  - Building sites (structures plus the lawn area cleared of trees) and aboveground utilities, shall be located downgrade of the ridgeline whenever possible, and located so they do not interfere with the identified

characteristic or view or vista identified in the course of Planning Board review.

- In addressing this standard, the Planning Board may require the applicant to locate building sites downgrade from the identified characteristic, view or vista and may impose conditions limiting the vertical or horizontal distance of the building site(s) from the identified characteristic, view or vista so as to give effect to the purposes and objectives of this ordinance.
  - The Planning Board can modify this requirement when doing so does not detract from the purpose of this ordinance, and mitigation measures, such as plantings or topographical features, effectively screen the building site or otherwise mitigate any impact to the identified characteristic, view or vista as seen from a Public Road.
- b. Maintain the natural appearance of the crest of a hill or ridgeline with tree planting and other landscaping measures so the post-development profile of the ridgeline or crest matches, or very closely approximates, its pre-development profile.
- c. Conduct grading or earth moving operations so the final, post-development contours appear to be consistent with the pre-development terrain, both on and adjacent to building sites.
- d. Employ "contour grading" techniques where feasible. "Contour grading" means creating artificial slopes with curves of varying slope ratios in the horizontal plan designed to match the appearance of the surrounding natural terrain. Use the following techniques to accomplish this:
- (i) Incorporate varied cut and fill banks and drainage terraces to alleviate monotony and allow for natural appearing landscaping.
  - (ii) Incorporate berms at the top of slopes and other locations to screen and direct drainage away from steep slopes.
  - (iii) Use retaining structures, compatible with the natural surroundings, when they will significantly reduce grading and land disturbance.
- e. Avoid long linear slopes, except in cases where the natural slopes, except in cases where the natural slope configuration displays this form. When appropriate, cut and fill slopes shall have curved configurations that reflect the surrounding topographical context. Round the toe (bottom) and top of slopes to avoid forms at the convergence of manufactured and natural slopes.
3. Standards for development in open fields and other situations with sparse existing vegetation
- a. Locate buildings in the least visually intrusive manner possible. Locate buildings on the edge of open fields, or just within the edge of bordering woodlands, or create new tree lines, buffers or screening measures.
- b. Locate new roads and driveways in the least visually intrusive manner possible. Follow existing contours instead of cutting across the field at the shortest distance between the building and the roadway.
- c. When development is proposed on land in active agricultural use, it is preferable to keep some land in agricultural production through means such as limited development, agricultural restrictions, easements and other planning tools.
- d. Cluster building lots and structures (whether or not the application is also a HOSPD subdivision) to preserve open areas and vistas into and out of the site.
- e. Use landscaping and plantings to buffer and/or screen buildings in open or visibly prominent areas. Use landscaping and plantings that are compatible with existing vegetation. Any plant used as vegetative buffering or screening must not be considered to be an exotic invasive, by the New Hampshire Department of Agriculture and/or included on the State of New Hampshire's list of Prohibited Plants, or Prohibited Plants with Restrictions.
- f. Plant trees in random clusters, not in rows, to simulate the appearance of natural tree stands.
- g. Retain existing stone walls and stone foundations and incorporate them into the overall landscaping design.
- h. Create or recreate meadows in disturbed open areas by mechanical seeding and/or landscaping. Use plants that are appropriate to the conditions of the site, with an emphasis on the use of native species. Do not use the seeds or roots of plants that are considered to be exotic/invasive by the New Hampshire Department of Agriculture, and/or included on the State of New Hampshire's list of Prohibited Plants, or Prohibited Plants

with Restrictions.

**4. Road and Driveway Placement Design Standards**

- a. Align roadways and driveways to conform to the natural contours of the land.
- b. Avoid long stretches of straight road by using gentle horizontal and vertical curves,
- c. Do not place roadways parallel to one another to avoid creating a "shelving" effect on hillsides.
- d. Use cul-de-sacs, loop streets, and common driveways to reduce the amount of impermeable surfaces, without sacrificing legitimate safety and road maintenance concerns.
- e. Reduce roadway width when such design minimizes the amount of necessary earthwork and does not compromise safety concerns.
- f. Stabilize and restore cuts and fills on slopes by using plantings and other measures approved by Town staff.

**5. Utilities**

- a. Construct and route utilities underground except in those situations where natural features prevent their underground siting or where or where safety considerations necessitate aboveground construction or routing.
- b. Construct and route aboveground utilities to minimize detrimental effects on the scenic qualities of the site and surrounding area.

**6. Erosion Control**

- a. 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.
- b. Use appropriate sediment and erosion control measures to minimize the impacts during and after construction. Any such measures using man-made materials such as woven synthetic textiles must be removed from the site after the soils are stabilized and vegetation is established.

**SECTION XVI: ADULT SEXUALLY ORIENTED BUSINESSES ORDINANCE.** (*Adopted March 2006*).

- A. **PURPOSE:** The purpose of this ordinance is to establish reasonable and uniform regulations to prevent the concentration of adult sexually oriented businesses within the Town of Hollis, NH; to promote the health, safety and general welfare of its citizens; and, to prevent problems of blight and deterioration which accompany and are brought about by the concentration of adult sexually oriented businesses. The provisions of this ordinance have neither the purpose nor the effect of imposing limitations or restrictions on the content of any communicative materials, including sexually oriented materials. It is neither the intent nor the effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material.

C. **DEFINITIONS:**

1. **ADULT SEXUALLY ORIENTED BUSINESS:** A business where one of its purposes is for the display and sale of sexually explicit goods and services including, but not limited to, sexually explicit books, videos, movies, computer software, or other visual or audio representations, including ones which meet the definition of “harmful to minors” and/or “sexual conduct” as set forth in RSA 671-B:1; or instruments, devices, or paraphernalia which are designed or used in connection with “sexual conduct” as set forth in RSA 571-B:1, other than birth control devices. Examples of adult sexually oriented business uses include, but are not limited to, places where a regular and substantial course of business operation involves the sale and display of sexually explicit goods and services such as: adult motels and theaters where sexually explicit films or videos are shown; places with mini-motion picture or coin operated displays; motels and theaters where sexually explicit films or videos are shown; adult cabaret; nude modeling studios; adult bookstores; escort agencies; or sexual encounter centers.

C. **GENERAL REQUIREMENTS**

2. Adult sexually business shall be permitted only within the Industrial and/or Commercial Zones. With the exception of distances between two separate adult businesses, distance shall be measured in a straight line, without regard to intervening structures, from the closest property line or boundary of any adjacent district, place or use to the closest exterior wall or temporary or permanent physical divider for the structure housing the adult sexually oriented business.
3. No adult sexually oriented business shall be permitted within seven hundred fifty (750) feet of any public sports/recreation park, church, place of worship, parish house, convent, public, parochial, or private school, drug free zone, kindergarten, licensed day care or nursery school, or State approved day care center.
4. No adult sexually oriented business shall be permitted within five hundred (500) feet of town boundaries.
5. No adult sexually oriented business shall be permitted within seven hundred fifty (750) feet of another existing adult sexually oriented business or one for which a non-residential site plan has been submitted. Distance shall be measured in a straight line, without regard to intervening structures, from the closest exterior wall or temporary or permanent physical divider for a structure housing an adult sexually oriented business to the closest exterior wall or temporary or permanent physical divider for another structure housing an adult sexually oriented business.
6. No adult sexually oriented business shall be permitted within a property, building, premise, structure, or other facility that contains an existing adult sexually oriented business or within one for which a certificate of occupancy has been applied,
7. No sexually explicit material or advertising shall be visible from outside the building.
8. No private viewing rooms or booth shall be constructed unless one side is always lighted and open to a public central area.
9. For those uses permitted in the district which sell sexually explicit goods and paraphernalia, such sexually explicit goods and paraphernalia must not be located within ready view to children and minors under the age of 18.
10. Hours of operation – 10 AM to 11 PM Monday to Saturday and 12 noon to 9 PM Sundays.
11. No one under 18 years of age allowed on the premises or an adult sexually oriented business.
12. The site shall be maintained daily in a condition that is free and clear of litter. All discarded sexual paraphernalia and/or packaging materials shall be placed in a locked dumpster.

13. The use shall not create undue traffic, congestion or hazard, including vehicular and pedestrian movement.
14. When reviewing site plan applications the planning board may impose reasonable restrictions for buffering, outdoor lighting, and landscaping and building aesthetics.
15. Such a use will be subject to all other federal and state statutes and local permitting requirements.

**SECTION XVII: HISTORIC DISTRICT ORDINANCE.** *(Adopted March 2008)*

- A. **PURPOSE:** By Ordinance, adopted in 1971 the Town of Hollis has established a Historic District. As set forth in RSA 674:45, the preservation of cultural resources, and particularly of Structures and places of historic, architectural and community value is hereby declared to be a public purpose. The heritage of the municipality will be safeguarded by:

1. Preserving districts in the municipality which reflect elements of its cultural, social, economic, political, community and architectural history;
2. Conserving property values in such districts;
3. Fostering civic beauty;
4. Strengthening the local economy; and
5. Promoting the use of historic districts for the education, pleasure and welfare of the citizens of the municipality.

B. **BOUNDARIES OF THE HISTORIC DISTRICT**

The Historic District is defined on the town zoning maps, which are on file in the Town Clerk's office of the Town of Hollis.

C. **DEFINITIONS**

1. **ACCESSORY BUILDING OR USE, CUSTOMARY:** Refer to Section VIII, Definitions.
2. **ALTERATION:** any repair, reconstruction, restoration, replacement, rehabilitation, demolition, addition, or new construction proposed for the exterior of a building or its site. The work may involve changes in materials, dimensions, design, configuration, texture, color, or visual appearance.
3. **ARCHITECTURAL FEATURE:** the architectural style, design, detail or general arrangement of outer surfaces of a structure and or building that, if altered or removed, would affect its appearance and character. Examples of architectural features include, but are not limited to, building materials, windows, doors, cornices, roofs, porticos, storefronts, and signs.
4. **CERTIFICATE OF APPROVAL (COA):** written authorization from the Commission to the building owner or project applicant that allows the owner/applicant to conduct any of the regulated activities specified in this ordinance.
5. **COMMERCIAL USE:** any use that requires site plan review under the zoning ordinance and regulations of the planning board
6. **DEMOLITION:** the razing, destruction, removal, or relocation, entirely or in significant part and including its facade, of a building, structure or other resource.
7. **LANDSCAPING:** The use of existing vegetation and terrain, or new permanent plantings, grade separations and/or fences intended to screen a building, structure, or place.
8. **MAINTENANCE:** see Repair.
9. **PUBLIC ROAD:** Refer to Section VIII, Definitions.
10. **RECONSTRUCTION:** the act of recreating a property that has been destroyed, through documentary research and the use of new materials
11. **REHABILITATION:** the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving the character-defining features that are significant to its architectural, historical and cultural values.
12. **RELOCATION:** the act of removing a building, structure or other feature from its existing foundation or location to another foundation or location, including on the same site. For purposes of this ordinance, applications for relocation shall be subject to the same standards as demolition.
13. **REPAIR:** any work, which will involve no change in materials, dimensions, or design.



**14. SIGNIFICANT TREE:** Any tree that contributes to the character of the district and that exceeds 15” in diameter at a height of 4’ above grade and is located forward of the main building on the property and/or provides a canopy to the street.

**15. STRUCTURE AND OR BUILDING:** Refer to Section VIII, Definitions.

**16. TEMPORARY STRUCTURE:** Refer to Section VIII, Definitions.

**D. SCOPE OF REVIEW AND CERTIFICATE OF APPROVAL**

Uses permitted within the District shall be those permitted in the underlying zoning district. Notwithstanding any inconsistent ordinance, local law, code, rule or regulation concerning the issuing of building permits, no change in any Architectural Feature or other activities (as defined below in Section E) that is visible from a Public Road shall be commenced without a Certificate of Approval from the Historic District Commission, herein called the Commission, nor shall any building permit for such change be granted without such a Certificate of Approval having first been issued. The Certificate of Approval required by this section shall be in addition to and not in lieu of, any building permit that may be required by any ordinance, local law, code, rule or regulation of the Town of Hollis.

**E. ACTIVITIES REQUIRING REVIEW**

The following activities, if visible from a Public Road, shall require a Certificate of Approval from the Commission, whether or not such activity requires the issuance of a building permit. Screening by Landscaping shall not exempt an activity from review.

1. Erection, construction, Alteration, Relocation, or Demolition of a Building, Accessory Structure and or Building;
2. Erection, construction, Alteration, Relocation or Demolition of any Architectural Feature of a Structure and or Building;
3. Construction, erection, Reconstruction, significant Repair or removal of any stonewall, fence, granite work, walkway, sidewalk, paving (new or expansion of existing), exterior lighting, street light, or permanent sign;
4. Removal of a Significant tree(s), except where removal of such tree(s) is necessary for safety reasons as determined by a professional arborist or other qualified professional or by authorization of the Board of Selectmen in accordance with RSA 213:145;
5. Any site work involving changes to the grade, topography, or Landscaping of new multifamily dwellings or new commercial construction will be reviewed for visual appropriateness. The Planning Board may consider, but not necessarily be bound by, recommendations of the Commission for site work;
6. Any change or expansion in use will be reviewed for visual appropriateness. The Planning Board may consider, but not necessarily be bound by, recommendations of the Commission for any such changes;
7. Addition or Alteration of existing exterior siding (e.g. vinyl, aluminum, stucco, wood, glass, etc.), windows or doors of a Structure and or Building;
8. Painting in part or whole of a brick, stone, masonry, or concrete Structure and or Building; and
9. Erection of a Temporary Structure.

Roof Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**F. ACTIVITIES EXEMPT FROM REVIEW**

The following activities shall not require a Certificate of Approval from the Commission.

1. Ordinary Maintenance and Repair of any Architectural Feature, which does not involve a change in the design, dimensions, materials or appearance of the feature or involve removal thereof;
2. Painting or repainting of a wood surface and/or an already painted brick, stone, masonry, or concrete Structure and or Building on the condition that the color is selected from the Commission’s palette of colors and is registered with the Commission;
3. Alteration or replacement of any existing roof covering or surface, provided that said Alteration or replacement is with the same material, patterns and colors of the existing roof covering or surface, and provided the roof plane remains the same;

4. Installation or replacement of storm doors and storm windows provided that the historic Architectural Features are not altered, obscured, removed or demolished;
5. Landscaping on properties in residential use, with the exception of the removal of a Significant tree as described under Section E.4 and any site work described under Section E.5;
6. Interior Alterations;
7. Activity that is not visible from a Public Road and where lack of visibility is not due to screening by Landscaping as determined by the Commission and the Code Enforcement Officer; and
8. Agricultural greenhouses, including high hoop tunnels.

**G. *INTERPRETATION***

As set forth in RSA 674:48, nothing in this subdivision shall be construed to prevent ordinary Maintenance or Repair of any Structure or place within any historic district nor to prevent the construction, Alteration, Repair, moving or Demolition of any Structure under a permit issued by the building inspector or other duly delegated authority prior to the establishment of any historic district.

**H. *PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE HISTORIC DISTRICT:***

- a. Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**SECTION XVIII: WORKFORCE HOUSING** (*Adopted March 2009 - Amended March 2020*)

**A. PURPOSE.** The purpose of this section is as follows: 1. To encourage and provide for the development of affordable workforce housing; 2. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households; 3. To meet the goals related to affordable housing provisions set forth in the town's Master Plan; and 4. To comply with the requirements of SB 342, an Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA 674:58-61).

**B. AUTHORITY:** This innovative land use control section is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision as defined in RSA 674:21(I) (k) and 674:21(IV)(a), as well as RSA 672:1, III-e, effective July 2009.

RSA 674:21 II provides the authority for Planning Boards to grant Conditional Use Permits.

**C. APPLICABILITY:**

1. Workforce Housing Developments, constructed in accordance with the provisions of this section, are permitted as a Conditional Use Permit within the following zoning districts as defined in this zoning ordinance:
  - a. Agricultural and Business Zone (A&B)
  - b. Residential and Agricultural Zone (R&A)
  - c. Town Center (TC)
  - d. Multi-family Overlay Zone
2. Permitted Uses: Single family, duplex, and multi-family units are permitted within an application under this Section.

**D. CONDITIONAL USE PERMIT CRITERIA:**

The Planning Board may issue a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the Workforce Housing Application, that:

- a. The application is consistent with the stated Purpose of the Workforce Housing Ordinance.
- b. If completed, the development in its proposed location will comply with all requirements of Section XVIII and other applicable workforce housing provisions contained in other sections of the zoning ordinance without the benefit of waivers.
- c. The applicant has demonstrated that the proposed use shall meet reasonable standards or conditions of approval related to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.
- d. Adequate provisions have been made to ensure that workforce housing units remain affordable consistent with Section G Assurance of Continued Affordability.

**E. DEFINITIONS:**

**Affordable:** Affordable means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of a household's gross annual income.

**Workforce housing units/owner occupied:** Housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute Workforce housing units for the purposes of this subdivision.

**Workforce housing units/renter occupied:** Rental housing which is affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute Workforce housing units for the purposes of this subdivision.

**Area Median Income (AMI):** The median income of the greater region, either the HUD Metropolitan or Non-Metropolitan Fair Market Rent Area to which the community belongs, as is established and updated annually by the United States Department of Housing and Urban Development. Income considers both wage income and assets.

**Market Rate Housing:** Any units or lots within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

**F. *WORKFORCE HOUSING INCENTIVES:***

As noted in Section C, as well as specified in other sections of the zoning ordinance, workforce housing developments are a permitted use through a Planning Board approved Conditional Use Permit (CUP) process in the following zoning districts: Agricultural and Business; Residential and Agricultural; Town Center, as well as in the Multi-family Overlay Zone, provided that the workforce housing criteria outlined in Section XVIII and elsewhere in the zoning ordinance are met. Residential unit densities shall be permitted to increase so as to afford a reasonable and realistic opportunity for the development of workforce housing units.

**G. *WORKFORCE HOUSING GENERAL REQUIREMENTS:***

1. In order to be considered as a “completed” application eligible for “acceptance” under RSA 676:4.I, and application under this section must contain, at a minimum, the following information:
  - a. Calculation of the number of units provided under this section and how these units will be consistent with the Purpose of the Ordinance.
  - b. Description of each unit’s size, type, estimated cost and other relevant data.
  - c. Documentation of affordable household eligibility as required in Section H.
  - d. The Planning Board shall request additional information if, in their judgment, it is necessary to make a meaningful determination of affordability.
2. At the Planning Board’s discretion, the applicant shall be required to submit project cost estimates including land, development and construction costs; financing, profit, and sales costs; and other cost factors shall be provided. The planning board shall request updates of these cost reports as the project progresses.

**H. *ASSURANCE OF CONTINUED AFFORDABILITY:***

In order to qualify as workforce housing under this section, the application shall make a binding commitment that the workforce housing units will remain affordable for a period of years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency or through the town itself as selected by the Planning Board to administer this provision. No workforce housing unit shall be occupied until written confirmation of the income eligibility of the tenant or buyer of the unit has been documented and all required legal documents outlined in the administrative rules have been completed and recorded. The planning board shall adopt a set of administrative rules detailing the parameters to enforce this binding commitment.

**I. *ADMINISTRATION, COMPLIANCE AND MONITORING:***

1. This article shall be administered by the Planning Board. Applications for the provisions provided under this section shall be made to the Planning Board and shall be part of the submission of an application for site plan or subdivision plan approval.
2. The Planning Board shall not approve any workforce housing proposal unless it complies with all applicable standards of this ordinance including but not limited to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

## SECTION XIX: EXCAVATION OR MOVEMENT OF EARTH MATERIALS

A copy of the REGULATIONS GOVERNING THE EXCAVATION, REMOVAL OR MOVEMENT OF EARTH IN THE TOWN OF HOLLIS, NH (EXCAVATION Regulations) may be obtained at the Planning Board Office in the Town Hall.

**A. PURPOSE AND AUTHORITY:** Pursuant to NH RSA 674:16 (Grant of Power) and 674:17 (Purposes of Zoning Ordinance), the Town of Hollis hereby establishes the locations and zoning districts in which the excavation or movement of earth materials shall be a permitted use. The intent of this Ordinance is to establish the locations in which excavations may be permitted, while also protecting sensitive natural resources, cultural and historic areas, and existing residences from the adverse impacts of excavations.

**B. EXCAVATIONS:** Districts where permitted, prohibited and allowed by special exception:

a. Excavation or movement of earth materials shall be permitted or prohibited within certain zoning districts as follows:

(i) Permitted: Within the boundaries of the Industrial Zone-(I);

(ii) Prohibited: Within the boundaries of each of the following zones:

NAME	ABBREVIATION
Town Center	TC
Agriculture and Business	A&B
Commercial	C
Recreation	R
Mobile Home-1	MH-1
Mobile Home-2	MH-2
Water Supply Conservation	WSC
Wetland Conservation Overlay	WCO

(iii) Within all other zones (Rural Lands (RL), Residential and Agricultural (R&A), Flood Plain Overlay (FPO), and Aquifer Protection Overlay (APO)), excavations of less than 5,000 cubic yards/year may be permitted by the Regulator in accordance with the Town's Excavation Regulations (promulgated 11/28/83, and as amended) provided that:

- No more than 50% of abutting property (as determined in Section IX,A.3.a, below) is used for residential purposes at the time of application;
- Traffic generated by the excavation does not increase average weekday traffic by more than 20% on any affected roadway; and
- No permit shall be granted for a duration of more than one year, but may be renewable at Regulator's option if conditions existing at issuance of permit have not materially changed.

(iv) Within all other districts (Rural Lands (RL), Residential & Agricultural (R&A), Flood Plain Overlay (FPO), and Aquifer Protection Overlay (APO)), excavation of more than 5,000 cubic yards/year shall be permitted only by special exception granted by the Hollis Zoning Board of Adjustment, pursuant to paragraphs 3-6 of this sub-section.

(v) Any excavation or movement of earth materials, whether permitted by right or by special exception granted by the Zoning Board of Adjustment, shall also be required to obtain a permit from the Regulator in accordance with all regulations governing such activity as have been adopted or amended or shall be adopted or amended.

- C. **SPECIAL EXCEPTIONS:** The Hollis Zoning Board of Adjustment, in acting on requests for special exceptions under this Ordinance, shall be guided in its deliberations by the following considerations:
- a. **THE PROXIMITY OF EXISTING RESIDENCES** to the site of the proposed excavation, such that no excavation shall be permitted which cannot maintain the required 75-foot buffer from all property lines. Generally, excavations shall not be permitted where 50% or more of abutting property is used for residential purposes at the time of application. This standard shall be interpreted to mean:
    - (i) an abutting property shall be deemed used for residential purposes where a residential structure is located within 200' of the excavation site property line; and
    - (ii) the percentage of residentially-used abutting property is determined by measuring the length of shared property boundary between such abutting property and the excavation site, relative to the total external dimensions of the excavation site property.
  - b. **TRAFFIC AND TRANSPORTATION** impacts such that: To the extent feasible all excavations shall take direct access from a "collector" class street or better. Additionally, all proposed excavations shall submit to the Zoning Board of Adjustment a proposed truck-routing plan and traffic impact study which estimates annual, weekly, and daily truck trips to and from the site, as well as actual traffic counts for all roads to be affected by the excavation. Any excavation proposal which will have the effect of increasing average hourly volume during weekday periods of operation by 20% or more on any affected road shall be prohibited. Excavations shall only take access from or to a designated scenic road where the Zoning Board of Adjustment determines that use will not adversely affect the roadway's physical capacity or quality of its scenic character.
  - c. **WATER RESOURCE PROTECTION:** Such that any excavation proposed to occur in the Aquifer Protection Overlay Zone (APO) shall not be permitted to be excavated to a depth of less than 8 feet above the seasonal high water mark, unless development rights are deeded to the Town of Hollis for such areas, in which case excavation shall not be permitted within 2 feet of the seasonal high water mark. Acceptance of such development rights shall be at the discretion of the Regulator.
  - d. **DIMINUTION OF VALUE** of surrounding or abutting property shall be considered. Any excavation which will have the effect of permanently and unavoidably diminishing the value of abutting properties shall not be permitted. Temporary (up to 3 years) impacts on property values shall not be the sole basis of denial of a special exception for excavations.
  - e. **PROJECT SCALE, INTENSITY, AND DURATION:** Reasonable limitations on the amount of material to be excavated, the traffic generated, and the duration of the proposed excavation may be established by the Zoning Board of Adjustment in approving special exceptions.
  - f. **OTHER PROHIBITED PROJECTS** as described in NH RSA 155-E:4, shall not be permitted by special exception. Any excavation proposed to occur below road level within 100' of any public right of way, unless such excavation is for the purpose of such right of way, shall be prohibited.
2. **NOTHING IN THIS ORDINANCE** shall limit or abridge the jurisdiction of the Hollis Planning Board to act as "Regulator" of excavation or removal of earth materials pursuant to RSA Chapter 155-E and regulations lawfully promulgated pursuant thereto.
  3. **THIS ORDINANCE SHALL NOT** apply to such excavation or removal of earth materials as is excepted from the effect of RSA 155-E by the provisions of RSA 155-E:2, provided, however, that excavation excepted under RSA 155-E:2 shall continue to be subject to this Ordinance.
  4. **APPEALS:** Decisions of the Zoning Board of Adjustment regarding excavations may be reheard by the Zoning Board of Adjustment pursuant to RSA 676:5-7. Decisions of the Planning Board, acting as Regulator, may be reheard by the Planning Board, pursuant to RSA 155-E:9.
  5. **EARTH** or **EARTH MATERIALS** shall mean sand, gravel, rock, soil, or construction aggregate.
  6. **REGULATOR** shall mean the Hollis Planning Board acting in its capacity and powers under RSA Chapter 155-E.

**SECTION XX: HOLLIS OPEN SPACE PLANNED DEVELOPMENT** (*Adopted March 1993, Amended March 1994*).

1. **AUTHORITY:** This ordinance has been adopted by Town Meeting Vote of the Town of Hollis, New Hampshire pursuant to RSA 674:21, Innovative Land Use Controls.
2. **DEFINITION:** A Hollis Open Space Planned Development (HOSPD) is a land subdivision where the density of dwelling units is no greater than would be permitted in the district in which the HOSPD is located, but where the lot size and other dimensional standards may be reduced in exchange for the preservation of permanently protected open space, recreational land, forests, and/or farmland.
3. **PURPOSE:** The purpose of the HOSPD is to:
  - a. Promote a more efficient use of land requiring a smaller network of streets and utilities;
  - b. Promote the preservation of open space, farmland, recreation areas, green space, fields and woods, valuable wildlife habitat, and outstanding topographic, natural, and historic features;
  - c. Discourage the sprawling, land-consuming form of development usually resulting from conventional subdivisions;
  - d. Promote the efficient provision of municipal services and protect existing and potential water supplies;
  - e. Maintain the rural and scenic character of the Town of Hollis;
  - f. Promote siting of buildings which is sensitive to existing natural and historic features;
  - g. Protect the value of real property; and
  - h. Provide a variety of types of living spaces and environments.

**4. APPLICABILITY AND PROCEDURES IN A HOSPD**

- a. **APPLICABILITY:** To facilitate achievement of the goals of the Hollis Master Plan, all major subdivisions shall be presented to the Planning Board in accordance with the Hollis Open Space Planned Development (HOSPD) standards as specified in this section and in the Land Subdivision Regulations. In all cases it shall be assumed that a HOSPD plan is necessary to meet the goals and objectives of this section and of the Master Plan. In cases where the Planning Board determines that a parcel is unsuited to development as a HOSPD, it may waive the requirements of this Section IX,J and permit the parcel to be developed as a conventional subdivision subject to the Point Criteria System, below.
- b. **EXEMPTIONS:** Subdivisions creating five (5) or fewer lots are exempt from this requirement, provided there is no potential for further subdivision of any of the lots therein or the parent parcel. However, an applicant, may, at his/her option, develop subdivisions of five (5) or fewer lots according to HOSPD standards. Any major subdivision not subject to HOSPD requirements shall meet the Point Criteria System.

Subdivisions solely creating lots which will not be used for building purposes shall be exempt from HOSPD requirements.

Subdivisions where each lot is at least 5 acres shall be exempt from HOSPD requirements, provided the deed for each lot contains a restriction prohibiting the further subdivision of the lot, such deeds to be presented to the Planning Board for recording in the Hillsborough County Registry of Deeds within one month after final approval of the subdivision, and further provided that a note shall be included on the final subdivision plan containing the same restriction and specifically identifying the lots so restricted.

- c. **CONCEPTUAL LONG RANGE PLAN:** When a subdivision plan is proposed to include lots which are capable of further subdivision, or, when after subdivision a parcel(s) remains which is capable of further subdivision, the Planning Board may require that a conceptual long range plan for the entire parent parcel be presented so that the board may consider the entirety of a project and its impacts. This long range plan is non-binding, and is intended to guide the Planning Board in its assessment of the environmental, social, and economic impacts of current and possible future development. In such cases, point system review per the Land Subdivision Regulations shall be based on the long range plan.
- d. **PROCEDURES:** HOSPD plan submission, review and approval procedures shall be as described in the Hollis Land Subdivision regulations.

**5. DENSITY, DIMENSIONAL, OPEN SPACE AND HEALTH REQUIREMENTS IN A HOSPD**

**a. DENSITY**

- (i) The density of dwelling units in a HOSPD shall be no greater than one dwelling unit per 2 acres of Net Tract Area.
- (ii) The number of dwelling units permitted in a HOSPD shall be no greater than the number of units that would be possible if the parent parcel were wholly subdivided in a conventional manner (i.e.: without an open-space set-aside). In order to arrive at this number, the applicant may either submit a conceptual plan showing how the parcel could be subdivided in a conventional manner, or otherwise demonstrate the possible number of conventional lots in a manner acceptable to the Planning Board. The possible number of conceptual conventional lots will be determined with the use of Site Specific Soil Mapping. For purposes of determining the number of HOSPD lots, each conceptual conventional lot must meet the requirements of a buildable lot as defined in the Hollis Zoning Ordinance, and meet all other applicable requirements of the Zoning Ordinance and Land Subdivision Regulations.

**b. LOT SIZE**

- (i) While the overall density of dwelling units in a HOSPD shall be no greater than one dwelling unit per 2 acres, individual lots may be reduced to a minimum of one acre, provided that all lots have a contiguous area of at least one acre of acceptable land.
- (ii) Backland lots in a HOSPD may be reduced to a minimum of 2 acres, provided they have a minimum of 20 feet of frontage and a contiguous area of at least one and one-half (1 1/2) acres of acceptable land.
- (iii) All lots in a HOSPD need not necessarily be reduced in size or frontage as compared to lots in a conventional subdivision. The Planning Board encourages a diversity of lots sizes and styles so as to ensure that a diversity of housing types and lifestyles remains available in the Town.
- (iv) HOSPD lots developed on a preexisting road shall have a minimum size of two (2) acres.
- (v) No portion of a reduced acreage HOSPD lot (less than two acres per lot, or less than four acres per backland lot) shall be located within two hundred feet of an existing road. Reduced acreage lots shall be separated from existing roads by open space, as described in Section IX.J.5.d below. "Existing road" shall mean any public highway not developed as a part of a PUD or HOSPD.

**c. FRONTAGE**

- (i) For HOSPD lots developed along a pre-existing Town road: 200 feet minimum per lot.
- (ii) For HOSPD lots developed along a new subdivision road: 125 feet average per lot. The absolute minimum frontage for a HOSPD building lot on a new subdivision road shall be 100 feet.
- (iii) For Backland lots: 20 feet minimum per lot. Backland lot frontage shall not be included in calculating the average frontages cited in Section IX.J.5.c.(i-ii).

**d. OPEN SPACE REQUIREMENTS**

- (i) Open space, as defined in Section VIII of the Hollis Zoning Ordinance, shall have a shape, dimension, character and location suitable to assure its use for park, recreation, conservation or agricultural purposes. In determining whether the intent of this section has been satisfied, the Planning Board shall consider the extent to which land having one or more of the following characteristics is included in the proposed open space:
  - Preservation of land for the town greenway system as described in the Hollis Master Plan
  - Preservation and utilization of areas designated as prime agricultural soils as mapped by the NRCS (Natural Resources Conservation Service) in their latest report.
  - Preservation and utilization of active farmland or orchards
  - Preservation of large tracts of interconnected woodlands, wetlands, or other wildlife habitat, or preservation of open lands that connect to protected land in adjacent parcel(s).



- Provision of active and/or passive outdoor recreational areas
  - Protection of land along scenic roads and highways
  - Protection of existing trail networks on land on which new trails will be developed as part of the HOSPD for integration into an existing trail network.
- (ii) For a HOSPD with a density of 3 or more acres per one dwelling unit of the gross tract area: 40% of the tract must be set aside as permanently protected open space for recreation, conservation, or agricultural uses. No portion of the open space land may consist of wetlands, hydric soils, surface waters, flood plains, and areas with unaltered slopes greater than 25%. Roadways rights-of-way and driveways shall not be counted as open land.
- (iii) For a HOSPD with a density of less than 3 acres per one dwelling unit of the gross tract area: 50% of the tract must be set aside as permanently protected open space for recreation, conservation, or agricultural uses. No portion of the open space land may consist of wetlands, hydric soils, surface waters, flood plains, and areas with unaltered slopes greater than 25%. Roadway rights-of-way and driveways shall not be counted as open space land.
- (iv) The open or common land must be contiguous to each house lot in the HOSPD. The Planning Board may waive this requirement only when conditions of topography, wetlands, or other physical site constraints prevent such an arrangement; or when the land best suited for open land use, in the judgment of the Planning Board, is situated towards one end of the tract or contiguous to existing conservation lands. In such cases, the open land must be configured so as to achieve the conservation or recreation objectives of this section.
- (v) When, due to physical constraints such as soils, topography, wetlands or other natural features, application of the open space requirements cited in Section IX,J.5.a and Section IX,J.5.b prevents an applicant from realizing the same number of lots/units as would be possible by a conventional subdivision, the Planning Board may consider and approve a reduction of the open space requirement. Such a reduction shall nonetheless otherwise maximize open space.
- (vi) **OPEN SPACE OWNERSHIP AND MANAGEMENT** Open space shall be conveyed to a homeowner's association, whose membership includes all the owners of lots or units contained in the tract, or shall be permanently protected in other suitable ways which would ensure the continued use of the land for intended purposes and proper maintenance of the land. Conveyance of open space to the Town would be another option available to the developer with agreement from the Conservation Commission and the Board of Selectmen.

**e. BUILDING SETBACKS**

The following setbacks shall apply to all principal structures, except that no principal structure may be located within the 35 feet of the perimeter boundary of a HOSPD development:

- Front Yard: 50 feet  
Side Yard: 17 ½ feet  
Rear Yard: 17 ½ feet

Accessory Structures shall be a minimum of 15 feet (fifteen feet) from side and rear lot lines.

**6. WORKFORCE HOUSING UNITS/OWNER OCCUPIED**

Single family workforce housing units/owner occupied are permitted, provided the following criteria are adhered to:

1. **Density:** The maximum number of allowable dwelling units that could be developed under the provisions outlined in Section 5.a shall be determined following the standard practice for a Market Rate Housing development. Once the number of HOSPD lots has been determined and agreed to by the Planning Board then that lot figure may be increased by up to 20% if it is shown that construction of workforce housing would otherwise not be economically viable. These additional lots shall be designated as workforce housing units/owner occupied.
2. **Lot Size:** There is no minimum lot size for workforce housing units. The proposed site shall have adequate soils to accommodate on-site wastewater treatment and an adequate water supply adhering to both local and state requirements. A Building Area shall be required and at least 50% of the lot shall be Acceptable Land. In addition,

wells serving both workforce housing and market rate housing lots may be located in designated Open Space areas.

With the goal of meeting the Open Space requirements in Section 5.d., the size of Market Rate Housing lots, as outlined in Section 5.b. may be reduced in order to accommodate the permitted workforce housing units. If it is determined, to the satisfaction of the Planning Board, that market Rate Housing lots cannot be reduced enough or at all because of septic and/or water supply regulations in order to accommodate the total permitted housing unit density, then the Planning Board may consider one or more of the following options in order to accommodate the increased density:

- a. The building area requirement for Market Rate Housing lots may be reduced in size.
  - b. Open space areas can be used to satisfy lot area requirements. The amount of Open Space area used shall be the minimum needed in order to accommodate the permitted project density.
  - c. Septic system areas may be located in designated Open Space areas. The Planning Board shall consider the following: the environmental sensitivity of the Open Space; the proximity of wetland areas; the ability to consolidate septic systems in one area to create an “open field” environment; the quality of the Open Space soils and other factors deemed appropriate by the Planning Board.
3. Frontage: Workforce housing lots shall have a minimum of 20 feet of frontage. Workforce housing lots shall not be developed or front along an existing road. In order to meet the lot size and open space goals noted above, the frontage requirements outlined in Section 5.c.ii may be reduced for Market Rate lots if deemed necessary by the Planning Board in order to meet the Purpose of Section XVIII.
4. Building Setbacks: Shall be as noted in Section 5.e.
5. The dwellings qualifying as Workforce housing units shall be compatible in architectural style and appearance with the Market Rate units in the proposed development. To achieve this, workforce housing units may be interspersed throughout the overall development, or clustered together in one or more area(s).
6. Workforce housing units shall contain no more than three bedrooms.
7. To ensure that the application is completed as permitted, a phasing plan for the project shall provide for the development of workforce housing units concurrently with the market rate housing units. The dwellings qualifying as workforce housing shall be made available for occupancy on approximately the same schedule as a project’s market rate housing units, except that the certificates of occupancy for the last 10 percent of the market rate housing units shall be withheld until certificates of occupancy have been issued for all the workforce housing units. A schedule setting forth the phasing of the total number of units in a project under this section, along with a schedule setting forth the phasing of the required workforce housing units shall be established prior to the issuance of a building permit for any development subject to the provisions of this section.
8. Projects proposing to include workforce housing units shall be exempt from the provisions of Section XIII, Residential Construction Timing and Phasing Ordinance for both market rate housing and workforce housing units. (Repealed March 2107)

***SECTION XXI: HOUSING FOR OLDER PERSONS*** (Removed by vote March 2023)

## **SECTION XXII: HOME BASED BUSINESSES**

- A. PURPOSE:** The Town of Hollis recognizes the need for some citizens to use their residence for limited business use. However, the Town believes that it is important to protect the residential character of neighborhoods. Therefore, the purpose of this section is to allow a limited business use in a residential area only to the extent that the business use does not adversely affect the appearance, character or condition of the residence or surrounding area. Only one Home Occupation or Home Shop use shall be allowed per residential unit.

### **1. DEFINITIONS:**

- a. **HOME-BASED BUSINESS:** Any business, occupation or activity for gain, operated by the resident of the residential dwelling unit. The home-based business shall be secondary to the use of the property as a residence. If the home-based business is located within the residential unit, it shall not occupy a space greater than fifty (50) percent of the total heated floor space of the unit. If it is located in a structure other than the principal residential structure, no specific space limitation shall apply, but the home-based business shall nonetheless remain secondary to the use of the property as a residence.
- b. **HOME OCCUPATION:** A home-based business which is conducted on the premises by the resident of the dwelling and may have customers/clients on the premises.
- c. **HOME OFFICE:** A home-based business, which is conducted on the premises by a resident of the dwelling that has no employees other than the owner and no customers/clients on the premises.
- a. **HOME SHOP:** A home-based business, which provides sales and/or service operations off the premises and will not have customers/clients on the premises.

### **2. HOME OFFICES**

- a. Home offices, which include intellectual products and services provided by the resident of the dwelling and conducted on the premises, shall be permitted without a special exception provided the following criteria are met; however, if written approval is necessary for tax and/or insurance purposes, a Conditional Use permit may be issued by the Building Inspector:
  - (i) Home offices shall be conducted in a manner which does not impact the character of the neighborhood.
  - (ii) Home offices shall have no specialized vehicles or exterior equipment.
  - (iii) Home offices shall have no customer/client visitations and no regular deliveries.
  - (iv) Home offices shall have no merchandise, stock, commodities or parts stored or transferred on the premises.
  - (v) Home offices shall not employ any persons who are not residents of the dwelling.
  - (vi) Home offices shall not display any exterior commercial signage.

### **3. HOME OCCUPATIONS**

- a. Home occupations shall be permitted only as a special exception upon approval of the Board of Adjustment. In granting such exceptions, the Board must find such home occupations to be in compliance with the provisions of this section as well as the general provisions of the Town Zoning Ordinance for the district in which the proposed home occupation is located.
- b. A home occupation shall meet the following criteria:
  - (i) Home occupations shall be conducted in a manner which does not affect the residential character of the neighborhood.
  - (ii) One sign announcing the home occupation is allowed, provided that it does not exceed 4 square feet of sign surface area. Mailboxes designed as an advertisement shall not be allowed for a home

occupation. No business vehicle or equipment may be parked in such a way as to be used as advertising for the home occupation.

- (iii) No merchandise, stock, commodities, or parts shall be offered for sale to the public on the premises.
  - (iv) No more than one non-resident of the dwelling shall work on the premises of the home occupation.
  - (v) Except as otherwise provided, the home occupation shall not create any exterior evidence of its activity (e.g. outside storage of material, specialized equipment, etc.) or create any visual variation from the residential character of the property.
  - (vi) Any motor vehicle and equipment used for the commercial purposes of the home occupation shall not be visible from the public way or any surrounding properties.
  - (vii) Parking for customers/clients and non-resident employee must be provided with off-street parking. No more than three (3) parking spaces shall be provided for business use and not more than three (3) vehicles shall be parked simultaneously on the premises at any time for business purposes.
  - (viii) The home occupation may not generate more than an average of 12 vehicular trips per day on days of operation, with the exception of childcare service, which may generate a maximum of 24 vehicular trips per day. "Trip" shall be as defined in the ITE Trip Generation Manual, 5th Ed.
  - (ix) Objectionable circumstances such as noise, vibration, dust, smoke, excessive traffic, electrical disturbances, odors, heat, or glare shall not be produced.
  - (x) The home occupation may not involve any process, which results in the discharge of any hazardous material (as defined by the State of New Hampshire) into the air, ground or into any surface water bodies.
  - (xi) Any home occupation, which will involve the use, production, or storage of any hazardous material (as defined by the State of New Hampshire) shall submit a written request for review to the Hollis Fire Department, prior to submitting an application for special exception. This request shall list all such materials that may be used, produced or stored for the home occupation. The ZBA may deny or conditionally approve said application, based on the Hollis Fire Department's written recommendations, if it is determined that said operation may be a potential public hazard.
  - (xii) The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the home occupation in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the home occupation in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.
- c. Childcare may be permitted as a Home Occupation but shall be limited to a maximum of 6 children who are not residents of the dwelling.
- d. The maintenance or repair of automobiles, motor vehicles or small engines shall not be permitted as a home occupation.

#### **4. HOME SHOPS**

- a. Home shops shall be permitted only as a special exception upon approval of the Board of Adjustment. In granting such exceptions, the Board must find such home shops to be in compliance with the provisions of this section as well as the general provisions of the Town Zoning Ordinance for the district in which the proposed home shop is located.
- b. A home shop shall be any business which provides sales and/or service operations off the premises and meets the following criteria:
  - (i) Home shops shall be conducted in a manner which does not affect the character of the neighborhood.
  - (ii) One sign announcing the home shop is allowed, provided that it does not exceed 4 square feet of sign surface area. Mailboxes designed as an advertisement shall not be allowed for a home shop. No business vehicle or equipment may be parked in such a way as to be used as advertising for the home

shop.

- (iii) No merchandise, stock, commodities, or parts shall be offered for sale to the public on the premises.
- (iv) Not more than three (3) employees are permitted on the premises at any time, including the resident employee(s). Parking for these employees must be off-street.
- (v) Except as otherwise provided, the home shop shall not create any exterior evidence of its activity (e.g. outside storage of material, specialized equipment, etc.) or create any visual variation from the residential character of the property
- (vi) Any motor vehicles and equipment used for the commercial purposes of the home shop shall not be visible from the public way or any surrounding properties.
- (vii) The home shop may not generate more than an average of 12 vehicular trips per day on days of operation. "Trip" shall be as defined in the ITE Trip Generation Manual, 5th Ed.
- (viii) Objectionable circumstances such as noise, vibration, dust, smoke, excessive traffic, electrical disturbances, odors, heat, or glare shall not be produced.
- (ix) The home shop may not involve any process which results in the discharge of any hazardous material (as defined by the State of New Hampshire) into the air, ground, or into any surface water bodies.
- (x) Any home shop, which will involve the use, production, or storage of any hazardous material (as defined by the State of New Hampshire) shall submit a written request for review to the Hollis Fire Department, prior to submitting application for special exception. This request shall list all such materials that may be used, produced or stored for the home shop. The ZBA may deny or conditionally approve said application, based on the Hollis Fire Department's written recommendations, if it is determined that said operation may be a potential public hazard.
- (xi) The existing or proposed septic systems must be certified by a licensed septic designer or engineer as adequate to handle and treat the increased waste volumes generated by the home shop in accordance with New Hampshire RSA 485:-A:38 and the Town of Hollis septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the home shop in accordance with New Hampshire RSA 485-A:38 and the Town of Hollis septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.

#### **5. *EXISTING NONCONFORMING USE.***

To be considered a nonconforming use, a home-based business must have been legally established prior to any zoning ordinance that restricts such use. Although such a home-based business may not conform to the regulations specified in this section, the following provisions shall apply:

- a. No nonconforming home-based business may be extended to occupy a greater area of land upon which the business is situated than is owned by the property owner at the time of adoption of this ordinance.
- b. If any nonconforming home-based business is discontinued for any reason for a period of (1) year, except pursuant to a valid order of a court of law, it shall be conclusively presumed that such use has been abandoned within the meaning of this title, and all future home-based businesses shall comply with the regulations as specified in this ordinance.

## SECTION XXIII: TELECOMMUNICATIONS

This ordinance is adopted pursuant to RSA 674:16 and 674:21.

### 1. PURPOSE AND GOALS

In recognition of the requirements of the Federal Telecommunications Act of 1996, this ordinance is designed and intended to balance the interests of the residents of Hollis, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the Town of Hollis so as to ensure coordinated development of communications infrastructure while preserving the health, safety and welfare of the Town and its residents. This ordinance establishes general guidelines for the siting of telecommunications towers and antennas to enhance and fulfill the following goals:

- a. Preserve the authority of Hollis to regulate and to provide for reasonable opportunity for the siting of telecommunications facilities, by enhancing the ability of providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- b. Reduce adverse impact such facilities may create, including, but not limited to, impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to persons and property, and prosperity through protection of property values;
- c. Provide for co-location and minimal impact siting options through assessment of technology, current location options, future available locations, innovative siting techniques, and siting possibilities beyond the political jurisdiction of the Town;
- d. Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers upon the Town;
- e. Require cooperation and co-location, to the greatest extent possible, between competitors in order to reduce cumulative negative impacts upon the Town;
- f. Provide consistent maintenance and safety inspections for any and all facilities;
- g. Provide for the removal of abandoned facilities. Provide a mechanism for the Town to remove these abandoned towers to protect the citizens from imminent harm and danger; and
- h. Provide for the removal or upgrade of facilities that are technologically outdated.

### 2. DEFINITIONS

- a. **ALTERNATIVE TOWER STRUCTURE.** Innovative siting techniques such as artificial trees, clock towers, bell towers, steeples, utility poles, and similar alternative design mounting structures that camouflage or otherwise conceal the presence of antennas or towers.
- b. **ANTENNA.** Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.
- c. **CO-LOCATION.** The use of an existing tower or an existing telecommunications facility for multiple purposes of users.
- d. **GUY WIRE.** A cable used to secure and steady a tower.
- e. **HEIGHT OF TELECOMMUNICATIONS FACILITY.** The vertical distance between the lowest point of the natural terrain 15 feet from the base of the telecommunications facility to the highest point of the telecommunications facility, including antennas and other tower components.
- f. **HEIGHT OF SURROUNDING EXISTING VEGETATION.** The average height of dominant species within 200 feet of the site as measured by or available from a Certified Land Surveyor or Professional Civil Engineer at the time the application for a telecommunications facility is submitted.
- g. **MONOPOLE.** A tower that is self-supporting with a single shaft of wood, steel, or concrete and a platform (or racks) for antennae arrayed at the top.
- h. **PREEXISTING TOWERS AND ANTENNAS.** Any tower or antenna lawfully constructed or permitted

prior to the adoption of this ordinance. Also, any tower or antenna lawfully constructed in accordance with this ordinance that predates and application currently before the Town.

- i. **PRINCIPAL USE.** The primary use of land or of a building or a portion thereof.
  1. **SECONDARY USE.** A use of land or of a building or portion thereof that is unrelated to the principal use of the land or building.
  2. **TELECOMMUNICATIONS FACILITIES.** Any structure, antenna, tower, or other device that provides commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), personal communications services (PCS), common carrier wireless exchange access services, and any other personal wireless service as defined by the Telecommunications Act of 1996.
  3. **TOWER.** A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

### 3. **APPLICABILITY**

- a. **ESSENTIAL SERVICES AND PUBLIC UTILITIES:** Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunications facilities is a use of land, and is subject to the Town's zoning ordinance and all other applicable ordinances and regulations.

### 4. **SITING STANDARDS**

- a. **GENERAL PROVISIONS**
  - a. The uses listed in this section are deemed to be permitted uses in the designated district in accordance with all other applicable ordinances and regulations of the Town including Telecommunications Site Plan Review and approval by the Hollis Planning Board.
  - b. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
  - c. For purposes of determining whether the installation of a tower or antenna complies with district development standards, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
  - d. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance on a nonconforming lot or in conjunction with a nonconforming use, shall not be deemed to constitute the expansion of a nonconforming use or structure.
- b. **DISTRICTS PERMITTED.** New tower construction and co-location of telecommunications facilities shall be permitted in all zoning districts, subject to a Conditional Use Permit granted by the Planning Board, but towers shall be prohibited from the Town's Historic District. All telecommunications facilities shall be subject to Telecommunications Site Plan Review by the Planning Board.
- c. **CONDITIONAL USE PERMIT.** All new telecommunications facilities and the replacement of or significant modification of telecommunications facilities built before or after the passage of this ordinance shall require a Conditional Use Permit granted by the Planning Board, pursuant to authority granted by RSA 674:21,II. While reviewing an application for a Conditional Use Permit for a telecommunications facility, the Planning Board shall determine the following:
  - (i) That the use shall not be detrimental to the character, environment, scenic value or general welfare of the Town.
  - (ii) That a good faith effort has been made by the applicant to determine that no feasible and appropriate



opportunities for co-location exist.

- (iii) That the proposed facility is necessary to meet the regional telecommunications needs of the applicant. Telecommunications facilities built on speculation shall not be permitted.

A Conditional Use Permit shall expire if substantial work is not performed within two years of approval. Conditional Use Permits shall require renewal every five (5) years, starting from the date of approval.

Telecommunications Site Plan Review shall be in addition to the Conditional Use Permit.

- d. **GENERAL DEVELOPMENT STANDARDS.** Towers and antennae shall be no higher than 10 feet above surrounding existing vegetation, unless an alternative tower structure or other camouflage device is used that effectively conceals the presence of the tower and antennae. Where existing vegetation is used as a buffer, it must effectively conceal the presence of the tower and antennae, and a conservation easement protecting that vegetation, enforceable by the Town pursuant to RSA 674:21-a, shall be recorded in the registry of deeds in form approved by the Planning Board.

#### **5. BONDING SECURITY AND INSURANCE**

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and/or unwilling to remove the tower in accordance with this ordinance. Bonding and surety shall be consistent with the provisions in the Subdivision Regulations. The Planning Board shall require submission of proof of adequate insurance covering accident or damage.

#### **6. REMOVAL OF ABANDONED ANTENNAS AND TOWERS**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of quarterly inspections to the satisfaction of the Building Inspector. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town. A declaration of abandonment shall only be issued following a public hearing, noticed in accordance with RSA 676:4. With notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town may execute the security and have the tower removed. If there are two or more uses of a single tower, this provision shall not become effective until all uses cease.

#### **7. TELECOMMUNICATIONS SITE PLAN REVIEW REGULATIONS**

The Planning Board shall have the authority to adopt Telecommunications Site Plan Review Regulations to implement this ordinance, pursuant to RSA 674:43-44.

#### **8. SEVERABILITY**

The invalidity of any portion of this Ordinance shall not affect the validity of any other portion.

#### **9. EFFECTIVE DATE**

This Ordinance shall take effect March 10, 1998

## **SECTION XXIV: SOLAR ENERGY SYSTEMS** *(Adopted March 2016)*

- A. AUTHORITY AND PURPOSE** This renewable energy systems ordinance is enacted in accordance with RSA 674:17(I)(j), 674:62-66, and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate Solar Energy Systems and Distributed Generation Resources in appropriate locations, while protecting the public's health, safety and welfare. The Town of Hollis intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

### **B. GOALS**

- a. Allow for the use of Solar Energy Systems in the community while maintaining Hollis's scenic vistas.
- b. Preserve the community's rural character, particularly as seen from public roads.
- c. Minimize potential adverse impacts of Solar Energy Systems in the community by ensuring that such facilities are properly screened and are properly sited within existing topographic features of the property.
- d. Ensure consistent maintenance and safety procedures are in place to protect public health.

### **C. DEFINITIONS**

Solar Access: The access of a Solar Energy System to direct sunlight. Solar Collector: A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Energy: Radiant energy received from the sun that can be collected in the form of heat or light by a Solar Collector.

Solar Energy System: An arrangement of Solar Collectors and other electrical and/or mechanical devices, located on the property of a Customer-Generator, and whose primary purpose is to transform solar energy into electricity or another form of energy, using mechanical, electrical, or chemical means. Solar Energy Systems shall not exceed a footprint greater than 15% of the land area of lots 3 acres or less and no more than 20% of a lot greater than 3 acres. In no case shall any Solar Energy System exceed 43,560 square feet in area. The footprint of the Solar Energy System shall include all above ground components and Solar Access ways and shall be calculated by including the entire area within a single, continuous perimeter enclosing all elements of the Solar Energy System.

Solar Energy System, Ground-Mounted: A Solar Energy System that is structurally mounted to the ground and is not roof-mounted.

Solar Energy System, Roof-Mounted: A Solar Energy System that is structurally mounted to the roof of a building or structure; may be of any size.

Solar Thermal System: A Solar Energy System that uses collectors to convert the sun's rays into useful forms of energy for water heating, space heating, or space cooling.

### **D. SOLAR ENERGY SYSTEM CONDITIONAL USE PERMITS**

1. **Permit Required:** No Solar Energy Systems, except Roof Mounted Systems, shall be erected, constructed, installed or modified without first receiving a Conditional Use Permit (CUP) from the Planning Board. All Roof-mounted Solar Energy Systems shall be reviewed by Planning Staff prior to the issuance of a building permit. The CUP shall clearly set forth all conditions of approval and shall list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the CUP shall be considered to be a condition of approval.
2. **Application and Review Procedure:** An Application for a Conditional Use shall be initiated by filing with the Planning Board for an application for a Conditional Use Permit. The following procedures shall apply to the processing of such application: **Site Plan Approval Required:** A site plan application shall be submitted with any application for a Solar Energy System Conditional Use Permit. The application and review procedure for a CUP shall be made concurrently and in accordance with the Site Plan Regulations as applicable to the particular development.

3. Standards of Review: Following a fully noticed public hearing on the proposed use, the Planning Board may issue a Conditional Use Permit, if it finds, based on the information and testimony submitted with respect to the application, that:
    - a. The use is specifically authorized by Section X as a conditional use;
    - b. The development in its proposed location will comply with all requirements of the Hollis Site Plan Regulations, as well as specific conditions established by the Planning Board.
    - c. The use will not materially endanger the public health or safety;
    - d. The use shall provide adequate screening to ensure adjacent property values are not adversely impacted. Screening may be provided by maintaining existing vegetation or through the installation of site-specific evergreen landscaping, suitable fencing, or a combination thereof. Such screening shall be maintained during the operative lifetime of the Solar Energy System Conditional Use Permit. The screening shall be of such quality & quantity as to adhere to and meet the Objectives of the Hollis Rural Character Preservation Ordinance.
    - e. In granting a conditional use permit pursuant to this section, the Planning Board may impose any reasonable conditions or restrictions deemed necessary to carry out the intended purpose of this ordinance.
    - f. The Planning Board reserves the right to waive the Height conditions of the Conditional Use Permit if the Applicant proves to the Planning Board that the requested waiver will not be detrimental to public safety, adjacent property values or the rural character.
  4. Duration of Solar Energy System Conditional Use Permit: Any ground-mounted solar energy system which has been abandoned or is no longer operational shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal.
- E. Minimum dimensional regulations: If the Planning Board grants a Conditional Use Permit pursuant to this section, any such use shall be conducted in a manner compliant with any conditions imposed by the Planning Board as well as the following minimum standards:
1. Height

The maximum height of any ground mounted Solar Energy System shall be 10 feet off the ground. Roof Mounted Solar Energy Systems shall be considered exempt for height requirements as allowed for in Section IX, General Provisions, 1. Height Regulations, 2. Exceptions, b.
  2. Setbacks

All ground-mounted Solar Energy Systems shall adhere to applicable required front, side and rear yard requirements, along with all required Wetland Setbacks, and shall not be considered accessory structures when determining required setback provisions. A detailed screening plan, as determined necessary by the Planning Board, may be required to address specific neighborhood sensitivities, mitigate visual impacts, and maintain the rural character of the neighborhood. Based upon the specific character of neighborhood, greater setbacks may be required by the Planning Board in order to meet the goals of the Rural Character Preservation Ordinance.
- F. Minimum Construction Standards
1. All Solar Energy Systems shall conform to applicable building, electrical codes and fire codes.

## APPENDIX A: TABLE OF AMENDMENTS

**SECTION I: AUTHORITY. 1998.** entire ordinance amended to replace all references to “High Intensity Soil Surveys (HISS) and/or Order 1 Soil Surveys” with “Site Specific Soil Map(s).”

**C. 2006:** Add new section **PLANNING BOARD** authorizing pre-application review. *Justification for amendment:* Provide authority for site plan and subdivision regulations enabling planning board to require pre-application review.

### **SECTION IV: ENFORCEMENT AND ADMINISTRATION**

**A. & B. 2010:** Clarification that the Building Inspector is the Code Enforcement Officer and is authorized to enforce the Hollis Zoning Ordinance.

**B. 2011:** Wording adding to provide flexibility as to who can enforce the provisions of the Hollis Zoning Ordinance

### **SECTION V: PENALTIES AND FINES**

**A. 1996:** generally amended.

### **SECTION VI: BOARD OF ADJUSTMENT**

**C. 2009:** Delete C. referencing specific fee amount.

### **SECTION VII: ZONING**

**A. ZONING DISTRICTS 1996:** amended to eliminate need for Town Clerk to certify zoning map.

- 1. AGRICULTURAL AND BUSINESS ZONE (A&B). 1996:** redefined boundaries of zone to follow lot lines; added to zone, extending it eastward to Wheeler Road and westward to vicinity of Rocky Pond Road; generally amended. **1998:** corrected typographical error by deleting Map 17, Lot 18 from section VII.A.1. **2013:** Permitted Uses; r. added Sale of vehicle fuel prohibited; added to cc. except tattoo parlors; removed ii. Sale of motor vehicles; section 6, Area and Height Requirements; removed e. minimum separation between commercial buildings; 30 feet
  - 2. COMMERCIAL ZONE (C). 1996:** created new zone in vicinity of Pineola Drive. **2013:** Permitted Uses; added r. Tattoo parlors; section 2, Area and Height Requirements; removed e. minimum separation between commercial buildings; 50 feet
  - 3. FLOOD PLAIN ZONE. 1996: moved to SECTION VII.B.2. OVERLAY ZONING DISTRICTS**
  - 4. INDUSTRIAL ZONE (IN). 1996:** reduced depth of zone on south side of Proctor Hill Road from 4,000 feet to 2,000 feet.
  - 5. MOBILE HOME-1 ZONE (MH-1). 1996:** changed name from Trailer Park (Mobile Home) Zone.
  - 6. MOBILE HOME-2 ZONE (MH-2). 1996:** changed name from Mobile Home Zone; generally amended.
  - 7. RESIDENTIAL AND AGRICULTURAL ZONE (R&A). 1996:** generally amended.
  - 8. RURAL LANDS ZONE (RL). 1996:** generally amended.
  - 9. TOWN CENTER ZONE (TC). 1996:** changed name from Historical Center Zone; generally amended.
  - 10. WATER SUPPLY CONSERVATION ZONE (WSC). 1996:** redefined zone generally to match the boundary of the underlying stratified drift aquifer.
- B. OVERLAY ZONING DISTRICTS. 1996:** created new section.
- 7. PROTECTION OVERLAY ZONE (APO). 1996:** added description of zone boundaries. 2013: Performance Standards in the Aquifer protection Overlay Zone; added (x) Hazardous or Toxic Materials; section 2, Area and Height Requirements; removed e. minimum separation section b. (ii) removed; not cause a significant reduction in the long term volume of water contained in the aquifer or in the storage capacity of the aquifer.
  - 1. FLOOD PLAIN OVERLAY ZONE (FPO). 1996:** moved from Section VII.A; generally amended.
  - 2. WETLAND CONSERVATION OVERLAY ZONE (WCO). 1996:** moved from Section VII.A; redefined to refer to Hillsborough County Soil Survey soil drainage classifications.  
**1997:** Added 100-foot buffer; deleted reference to soil types; added reference to delineated wetland. **1999:**

amend description of the Overlay Zoning District to be consistent with the Revised Wetland Conservation Overlay Zone Ordinance. **2000: Justification for amendment:** When the definition of wetlands changed to the three-parameter approach in accordance with state and federal definitions, some hydric soils which used to be included by the Town in the Wetland Conservation Overlay District were no longer protected by the buffer. This ensures that all hydric soils are once again protected.

4. **2009:** Added **4. MULTI-FAMILY ZONE:** to include those land areas zoned R&A located east of the Nashua River.

C. **COPIES OF ZONING MAP. 1996:** requires Chairman of Planning Board to sign official copy of zoning map; changed to make text of zoning ordinance control in cases of conflict between text and map; **formerly Section VII.B.**

D. **BOUNDARIES. 1996: formerly Section VII.C;** amended to include gender neutral language.

1. **1998: existing section renumbered VII.D.1 and titled “LOCATION OF BOUNDARIES;**

2. **1998. added new section VII.D.2 “LOTS DIVIDED BY A ZONING DISTRICT BOUNDARY.”**

**SECTION VIII DEFINITIONS. 1996:** changed from letters to numeral sequence. Note: numbers omitted to facilitate additions, deletions and amendments to definitions.

**ACCEPTABLE LAND. 1996:** changed “SCS” to “NRCS”. **1997:** First sentence: inserted “the following.” Third sentence: inserted “and delineated wetlands”; deleted reference to wetland soils; inserted “or are otherwise unsuitable for development because of wetland and hydric conditions.” **1999:** Amend definition to include the provision that Site Specific Soil Mapping Standards for New England and Vermont, Society of Soil Scientists of Northern New England Publication No.3, 1997, shall be used by a certified soil scientist to determine soils information.

**ACCESSORY BUILDING OR USE, CUSTOMARY. 1996:** reorganized to clarify intent. **1999:** Clarify that the 250 sq. ft. building footprint rather than floor area determines the setback of a structure, and add that structures greater than 12 feet in height must also comply with setback requirements for principal buildings.

**APPLICABLE ACRES. 1996:** changed “under” to “within”.

**ARTERIAL STREET. 2011:** new definition. The purpose of adding this definition is to define which streets in Town are considered Arterial Streets. This term is used elsewhere in the ordinance.

**BACKLAND LOTS. 1996:** generally amended.

**BUILDING AREA. 2008:** generally amended. **2012:** Add sentence clarifying the requirement for driveway access

**BUILDABLE LOT. 1996:** added “soils” following “non-wetland”; deleted reference to standard and backland lots; changed reference to High Intensity or Order 1 Soil Survey from “site specific soil analysis”; generally amended. **1997:** First sentence: deleted “non wetland soils” and inserted “acceptable land and/or land with soil drainage class ‘somewhat poorly drained’” **1998:** replaced dimensional specifications with “Building Area.” **2000: Justification for amendment:** The minimum contiguous area provides enough land for house, driveway, septic, garage, and accessory structures without the need to disrupt sensitive lands and wetland buffers.

**BUILDING AREA. 1998:** new definition. **1999:** amend definition to exclude land with slopes greater than 25% from the Building Area. **2000: Justification for amendment:** The intent of this amendment is to deter construction on excessively steep slopes to prevent erosion, loss of vegetation, and for viewshed protection. **2005:** Clarify that building does not have to be placed in the building area. **2008:** Definition amended to include “altered” slopes as well as “unaltered” slopes.

**BUILDING RIGHT. 1996:** added “The certificate is not transferable, except under the terms of this ordinance” for clarification.

**CLUSTER HOUSING. 1996:** changed “are” to “may be”.

**CONGREGATE CARE FACILITY. 1997: new section.**

**DENSITY. 2000:** new definition added. **Justification for Amendment:** The intent is to state the meaning

of density as applied in various sections of the ordinance.

**DWELLING UNIT. 2000:** Amended definition *Justification for Amendment:* The intent is to state the meaning of density as applied in various sections of the ordinance.

**DWELLING UNIT, TWO FAMILY:** Dwelling, two family. **1996:** added “two”; added “This definition does not include accessory apartments.”

**ELDERLY HOUSING. 1996:** added “specifically designed for elderly or disabled individuals and their families” following “development”; generally amended. **2000:** deleted and replaced with **HOUSING FOR OLDER PERSONS**

**EXTERIOR STORAGE. 1996:** generally amended.

**FAMILY. 1996:** deleted “related by blood, marriage, or adoption” following “persons”.

**FLOATING ZONE. 1996:** generally amended.

**FLOOD PLAIN OR FLOOD PRONE AREA. 1996:** deleted “Hollis” following “under the”.

**FRONTAGE. 1999:** Clarify that in order for land to be considered as having frontage, it must abut a Class V or better road, and the land must be capable of providing access, without seeking relief from any other part of the Hollis Zoning Ordinance. **2005:** Clarify that frontage be capable of providing the primary means of access to a lot without requiring waivers.

**FRONT YARD. 1996:** deleted “residential lot” following “width of a”.

**HOSPD. 1996:** added “floating zone development standard for” following “is a”; generally amended.

**HOUSING FOR OLDER PERSONS. 2000:** new definition added. *Justification for amendment:* The purpose of this definition change is to comply with State and Federal definitions of elderly housing.

**IMPROVED LAND. 2003:** *New definition.*

**LANDSCAPE MATERIALS YARD. 2011:** New definition. The purpose of this amendment is to define and set requirements for the establishment of a Landscape Materials Yard.

**LEASABLE AREA, GROSS. 1996:** added “but not to include common areas accessible to more than one tenant and which are not directly related to the tenants’ business” following “interior space”.

**LOT OF RECORD. 1996:** added “under the terms of this ordinance and any other applicable ordinances and regulations of the Town and statutes and regulations of the State” following “officially accepted”.

**LOW-INCOME HOUSING. 1996:** *generally amended.*

**MAJOR COLLECTOR STREET. 2011:** New definition. The purpose of adding this definition is to define which streets in Town are considered Major Collector Streets. This term is used elsewhere in the ordinance.

**MODERATE-INCOME HOUSING. 1996:** *generally amended.*

**MULTI-FAMILY DWELLINGS. 1996:** added “Three”.

**NET TRACK AREA. 2000:** new definition added. *Justification for amendment:* The intent is to spell out the specific land types to be subtracted from the tract before calculating density or open space. **2008:** Amended to add road rights-of way and altered slopes to the land types to be subtracted before calculating the density or open space.

**NONCONFORMING LOT. 1996:** deleted “area of” following “minimum”.

**NONCONFORMING USE OR STRUCTURE. 1996:** changed “regulations” to “terms and standards”.

**NON-WETLAND SOIL. 1996:** generally amended. **1997:** deleted.

**OPEN SPACE. 2003:** New definition.

**PUBLIC ROAD. 1996:** deleted reference to Town of Hollis Highway Map.

**RESTAURANT, FAST FOOD. 1996:** *new definition added.*

**RESTAURANT, GENERAL. 1996:** new definition added.

**RETIREMENT COMMUNITY. 1997:** new section. **2000:** *Justification for amendment:* The purpose of this amendment is to include a concise description of the unique features of the retirement community.

**SIGN. 1996:** generally amended.

**SITE SPECIFIC SOIL MAP. 1998: new section.**

**STRUCTURE AND/OR BUILDING. 2006.** new definition added. The **purpose** of this amendment is to define *Structures and/or Buildings* and add them as permitted uses to various zoning districts. **2011:** Definition amended to exclude fences, basketball and tennis courts. The purpose of this amendment is to clarify that fences, basketball and tennis courts are not considered structures and do not have to meet lot setback requirements.

**TEMPORARY STRUCTURE. 2006.** new definition added. The **purpose** of this amendment is to define *Temporary Structures* and add them as permitted uses to various zoning districts. **2008:** Definition amended to delete “for residential properties”. **2013:** added; except as noted in the Farm Stand definition,

**UNALTERED SLOPES. 2000:** new definition added. **Justification for amendment:** The intent of this amendment is to provide a definition of slopes that have not been disturbed by man prior to December 1, 1999, to clarify from what date steep slopes may not be included in certain calculations in the ordinance. The purpose is to deter construction on excessively steep slopes to prevent erosion and vegetation loss, and to provide viewshed protection. **2008:** generally amended. Replaces “man” with “human activity”.

**UNIMPROVED LAND. 2003: New definition.**

**WETLAND SOILS. 1996:** generally amended. **1997:** entirely replaced with federal/state wetland definition under new title “Wetland.” **1999:** Change the manner in which the Town defines wetlands to match state and federal definitions, particularly regarding the method for delineating wetlands.

**AGRICULTURAL ENTERPRISE. 2013:** New Definition.

**FARM STAND. 2013:** New Definition

**SEASONAL AGRICULTURAL SIGN. 2013:** New Definition

**BUILDING AREA: 2013:** added; Said driveway shall lie entirely on the subject lot.

#### **SECTION IX. GENERAL PROVISIONS.**

**1996:** Moved IX.E. **SIGN ORDINANCE** to new Section XIV and renumbered accordingly.

**2011.** Reconfigured. Moved IX. A. **EXCAVATION OR MOVEMENT OF EARTH MATERIALS** to new Section XIX. Moved K. **HOLLIS OPEN SPACE PLANNED DEVELOPMENT** to new Section XX. Moved M. **HOUSING FOR OLDER PERSONS** (formerly Housing for Elderly and Disabled) to new Section XXI. Moved N. **HOME BASED BUSINESSES** (formerly Home Occupations) to new Section XXII. Moved T. **TELECOMMUNICATIONS** to new Section XXIII. Entire Section IX. amended accordingly.

**DAMAGED STRUCTURES: 2011. Formerly B.**

A. **JUNK STORAGE: 2011.** Formerly C.

B. **MOBILE HOMES 1996:** generally amended. **2011.** Formerly D.

D. **2011: Amended lettering Formerly E. SEWAGE DISPOSAL SYSTEMS.** **1996:** generally amended. **1997:** Title: added “and structural setbacks from wetlands”. **1999: Delete Sewage Disposal Systems and rename ONSITE WASTEWATER TREATMENT.**

1. **1997:** Changed “75” to “one hundred (100) feet”; deleted “the edge of” and inserted “a wetland, from hydric soils, from” **1999:** Amend to prohibit any portion of a septic system, including associated grading, to encroach into the wetland buffer, and delete “from a wetland, from hydric soils, from a public body of water, from a well, or from a dwelling other than that to which it is appurtenant” and change to “from wetlands and surface waters or from wells.” **2000: Justification for amendment:** In order to ensure the quality of stormwater run-off, it makes sense to provide a reasonable distance of 75' from septic wastewater. **2005:** Clarify setback of 100' to leach fields and 75' setback for septic tanks from private wells. Revise requirement for in-place soil to 4 feet above ledge. Amend to allow septic inspector to grant waivers to expedite repair of failed septic systems.

2. **1999:** clarify language

3. **1999:** amend to correct enforcement agency.

4. **1997:** added second sentence.
5. **1997:** new section. **1999:** delete section **2005:** new section *Justification: This section gives the Town Septic Inspector authority to waive provisions of this section.*
6. **1997:** new section. **1999:** delete section

**E. (Formerly F.) IMPERMEABLE SURFACES AND BUILDING COVERAGE.** **1996:** replaced entire section entitled "Required Open Space".

- 1.a **1999:** Decrease the area of impermeable coverage allowed in Industrial and Commercial Zones from 75% to 60%.
3. **1997:** inserted new section; renumbered succeeding sections. **1999:** Add Wetland Conservation Overlay Zone to areas not permitted more than 15% impermeable surface coverage. **2010:** Impermeable Surface Coverage. Amended to modify the 15% maximum coverage requirement to allow for the reasonable development or expansion of existing businesses located in the Industrial Zone only. New State requirements are in place that mandate groundwater recharge and regulate the quality of water that is recharged, and any waiver is conditioned on adherence with these standards as well as a stormwater management plan.
5. **1999:** Amend to require that any change to a property requiring Planning Board review would include mitigation measures to maintain stormwater runoff at the same level as prior to development.

**F. (Formerly G.) SWIMMING POOLS, OUTDOOR STORAGE TANKS, COMMERCIAL FISHING PONDS**  
**1996:** generally amended. **2004:** add item to allow for bonding of swimming pool fence. *Justification for amendment:* To add a provision for a bond as security for the proper construction of a fence around the area of the swimming pool as required by the Town's building code. **2005:** Distinguish bond amount for in-ground vs. above-ground pools.

**(Formerly H.) OFF-STREET PARKING.** **1996:** added "or existing use expanded" following "new use is established; generally amended. **2002: Delete section IX.H. Off-Street Parking.** *Justification for amendment:* The purpose of this amendment is to delete the parking standards from the zoning ordinance. Revised parking standards have been adopted as a Planning Board Regulation to allow for greater flexibility.

**G. OFF STREET LOADING** **2002: Renamed and amended lettering due to deletion of former section IX, H Off Street Parking**

3. **LOCATION.** **1996:** added "that will serve as an effective barrier to sound and exhaust" following "fence, wall, or screen".

**H. (Formerly J.) SCREENING** **1996: generally amended. 2002:**

**I. Formerly L. HEIGHT REGULATIONS.** **1996:** generally amended. **2003:** Renumbered to IX. K **2011.** Re-lettered I.

2. **EXCEPTIONS:** b. Add cupolas to the list of exceptions.
3. Amend to reduce the distance for measuring the average height of building from 15' to 5'.

**J. (Formerly O.) 2011. NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT.**  
**1996:** generally amended. **2003:** Renumbered IX,N: **2011:** Renumbered (K) Amended to add "and condominium". The purpose of this amendment is to clarify that condominiums are also allowed as an exception to the number of units that can be constructed on a lot.

**K. ACCESSORY DWELLING UNITS (Adopted 1993).** **1996:** generally amended. **2003:** Renumbered IX,O. **2008:** Amend item f. The purpose of this amendment is to require accessory dwelling units to share internal living space with the principal dwelling unity through a common wall. **2011:**

3. **REQUIREMENTS/LIMITATIONS:** **1999:** P.3.e. Clarify that the above grade floor area of the total dwelling unit includes the accessory dwelling unit. **2001:** P.3.b. delete "existing". P.3.f. delete "existing", add "or constructed". *Justification for Amendments:* The intent of the changes is to clarify the requirement for internal access in an accessory dwelling unit.

**L. SITE PLAN REVIEW.** **1996:** new section added. **2003:** Renumbered IX, P. 2011. Re-lettered L.



- M. MAXIMUM DRIVEWAY SLOPE.** Formerly (R). **1998:** new section. **2000:** Section re-lettered from **T** to **S**. **2002:** Added The purpose of the maximum grade requirement is to ensure public safety and accessibility for emergency vehicles. Deleted: This standard also shall not apply to lots of record or to lots that have otherwise been approved for subdivision and that have been recorded in the Registry of Deeds prior to March 10, 1998. *Justification for amendment:* The purpose of this amendment is to clarify the intent of this section and to delete the "grandfathering" provision for lots of record. **2003:** Re-lettered **S** to **R**.
- N. UNREGISTERED VEHICLES.** Formerly **S**. **2000:** new section. *Justification:* The purpose of this new section is to restrict the number of unregistered vehicles permitted on any property to avoid potential unsightly storage of vehicles, which detracts from the character of neighborhoods. **2003:** Re-lettered **T** to **S** **2005:** Clarify language re: Permitted businesses.
- O. 2011:** Add new section. **DETERMINATION OF DENSITY FOR CONDOMINIUM DEVELOPMENTS.** The purpose of this amendment is to allow non-conforming structures to be expanded without ZBA approval, provided they adhere to applicable zoning district setbacks.
- P. 2011:** New Section. **CONDITIONAL USE PERMIT.** The purpose of this amendment is to outline the specific procedures and requirements for obtaining a Conditional Use Permit. **2012:** 3. Standards of Review. e. Clarification: Reword to read Access to the site shall be achieved directly from a State Road.
- (T.) 2007: CUL-DE-SAC LENGTH.** Add new Item. The purpose of this amendment is to establish a maximum length for cul-de-sacs for the purpose of safety. **2011: Delete** paragraph in its entirety. The purpose of this amendment is to remove this section from the ordinance, and to insert this provision into the Subdivision Regulations.

**SECTION X: ZONING DISTRICTS: SPECIAL EXCEPTIONS.** The purpose of this amendment is to delete any reference to site plan review for Special Exceptions in Zoning Districts **MH-1, MH-2, Recreational, R&A, RL, Town Center, and Water Supply Conservation Zone**. Site plan review is required for some, but not all, categories of Special Exceptions. The Site Plan Review Regulations govern what activities require review.

**A. AGRICULTURAL AND BUSINESS ZONE**

- 1. PERMITTED USES IN THE AGRICULTURAL AND BUSINESS ZONE.** **1996:** changed "Restaurants, EXCEPT drive-ins and fast-food restaurants" to "Restaurants, general"; added "Single Family Residences". **2004:** add new item qq: Mixed Use Occupancy. *Justification for amendment:* to allow for mixed use occupancy in the Agricultural and Business Zone. **2006:** add new item rr: Temporary Structures added as a permitted use.
- 2. OTHER RELATED PERMITTED USES.** **1996:** added "or disabled" following "elderly". **2003:** Delete home occupations.
  - a. 2000: Justification for amendment:** The reference to elderly housing as a permitted use was changed to housing for older persons in all sections to be consistent with the amended definition of elderly housing.
- 3. 2003:** Add new section **SPECIAL EXCEPTIONS** for home occupations and accessory dwelling units.
- 4. Formerly 3. ACCESSORY USES PERMITTED IN THE AGRICULTURAL AND BUSINESS ZONE.**
- 5. 2009: Added. PERMITTED USES ALLOWED BY CONDITIONAL USE PERMIT IN THE A&B ZONE:**
  - a. MIXED-USE OCCUPANCY II.**
- 6. Formerly 5. AREA AND HEIGHT REQUIREMENTS.** **1996:** generally amended. 201?. Note added regarding the requirement of a 25' buffer around all cemeteries for the purposes of new construction.
  - a. MINIMUM LOT SIZE.** **1996:** added "for residences the minimum lot size shall be 2 acres per dwelling unit".
  - h. BUILDING AREA.** **2003:** add section to require compliant building area. **2004:** Amend to read "...except as provided in section X.A.1.qq above".
    - (i). Backland Lots. **1996:** changed "Each backland lot shall be at least 1.5 acres" to "Backland lots for

commercial uses shall be at least 1.5 acres; backland lots for residential uses shall be at least 4 acres”; generally amended.

i. **MAXIMUM COMMERCIAL BUILDING SIZE. 1996:** new section added.

**7. OTHER DEVELOPMENT REGULATIONS IN THE AGRICULTURAL AND BUSINESS ZONE:**

b. **OPEN SPACE. 1996:** deleted “Buildings in the commercial zones used for commercial purposes shall occupy no more than 50% of the lot upon which they are located and”; changed “arterial street” to “public right-of-way”.

d. **SCREENING. 1996:** added section title; replace section text with “Screening shall be provided according to Section IX,J of this Ordinance and according to the Town’s Site Plan Review Regulations”.

9. A&B Zone. **HISTORIC DISTRICT ORDINANCE. 2001: Justification for amendment:** This change more clearly defines the portion of the A&B zone that falls under the jurisdiction of the Historic District Overlay.

**B. COMMERCIAL ZONE. 1996:** new section added.

**2. AREA AND HEIGHT REQUIREMENTS IN THE COMMERCIAL ZONE**

h. **MAXIMUM IMPERMEABLE SURFACE COVERAGE. 2000:** deleted. **Justification for amendment:** This section is deleted because impermeable surfaces are covered in Section IX,E. which was amended in 1999, to 60% maximum permeable coverage, and is not consistent with this section

i. **BUILDING AREA. 2003:** add section to require compliant building area.

**C. INDUSTRIAL ZONE.**

**3. AREA AND LOT REQUIREMENTS IN THE INDUSTRIAL ZONE**

g. **BUILDING AREA. 2003:** add section to require compliant building area.

6. 1996: deleted reference to Site Plan Review, formerly X,C.6.

**D. MOBILE HOME-1 ZONE. 1996:** changed name of zone from “Trailer Park (Mobile Home) Zone”.

**1. PERMITTED USES IN THE MOBILE HOME-1 ZONE.**

b. **2006:** Added Temporary Structures as a permitted use.

**3. SPECIAL EXCEPTIONS IN THE MOBILE HOME-1 ZONE.** Remove reference to site plan

b. **2003:** add new item to permit Home based businesses (formerly home occupations) by special exception

**E. MOBILE HOME-2 ZONE. 1996:** changed name of zone from “Mobile Home Zone”

**1. PERMITTED USES.**

f. **2000: Justification for amendment:** The reference to elderly housing as a permitted use was changed to housing for older persons in all sections to be consistent with the amended definition of elderly housing.

i. **2003**Add new item – Home occupations. **2003:** Delete Home occupations. **2006:** add new item j. Temporary Structures added as a permitted use.

**2. SPECIAL EXCEPTIONS IN THE MOBILE HOME-2 ZONE. 2009:** Delete reference to site plan review.

h. (v) **1999.** Amend list of exceptions, delete “and clubs” and add (vi) sporting clubs. **2012:** Delete j. Farm Stands. The purpose of this amendment is to clarify that farm stands are an allowed use in this district. Re-letter k. Riding academies

**3. AREA AND HEIGHT REULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE MOBILE HOME-2 ZONE**

g. **2003. BUILDING AREA:** add section to require compliant building area.

**F. RECREATIONAL ZONE. 1996:** generally amended.

**1. PERMITTED USES IN THE RECREATIONAL ZONE.**

**2003: g and i.** Delete home occupations and accessory dwelling units.

**2006:** add new item **h.** Temporary Structures added as a permitted use.

**2. SPECIAL EXCEPTIONS IN THE RECREATIONAL ZONE. 2009:** Delete reference to site plan review.

**b. (v)** amend list of exceptions, delete “and clubs” and add (vi) sporting clubs.

**c and d. 2003:** Add new items to permit home occupations and accessory dwelling units by special exception.

**3. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RECREATIONAL ZONE.**

**d. 1999:** delete “length” and replace with “depth”.

**g. 2003. BUILDING AREA.** Add section to require compliant building area.

**G. RESIDENTIAL AND AGRICULTURAL ZONE. 1996:** generally amended.

**1. PERMITTED USES IN THE RESIDENTIAL AND AGRICULTURAL ZONE. 2009.**

**a.** Delete Section **a.** and replace with **a.(i)** Single- and Two-Family Dwellings and **(ii)** Conversion of Existing Residential Buildings.

**f.** Rename. Housing for Older Persons, subject to the procedures in **Section XXI. 2000: Justification for amendment:** The reference to elderly housing as a permitted use was changed to housing for older persons in all sections to be consistent with the amended definition of elderly

**i. and k. 2003:** Delete home occupations and accessory dwelling units. **2006:** add new item **k.** Temporary Structures added as a permitted use.

**2. SPECIAL EXCEPTIONS IN THE RESIDENTIAL AND AGRICULTURAL ZONE. 2009.** Delete reference to site plan review.

**j. 2012:** Delete Farm Stands (re-letter J. Riding Academies). The purpose of this amendment is to clarify that farm stands are a permitted use in this district.

**h. (v) 1999:** amend list of exceptions, delete “and clubs” and add **(vi)** sporting clubs.

**l. and m. 2003:** Add new items to permit home occupations and accessory dwelling units by special exception. **2012.** Re-letter **l. to k.** and rename Home based businesses according to Section XXII. Re-letter **m. to l.**

**3. 2009: New Section added. USES ALLOWED BY CONDITIONAL USE PERMIT IN THE R&A ZONE.** The purpose of this amendment is to allow for workforce housing.

**a. 2011:** Landscape Materials Yard added to uses allowed in the R&A Zone by conditional use permit.

**3. AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RESIDENTIAL AND AGRICULTURAL DISTRICT.**

**g. 2003. BUILDING AREA.** add section to require compliant building area.

**H. RURAL LANDS ZONE. 1996:** added “Lands” to section title. **2009:** Delete reference to site plan review.

**1. g. 2006:** add new item g. Temporary Structures added as a permitted use.

**2. b. and d. 2003:** Delete and accessory dwelling units

**3. SPECIAL EXCEPTIONS IN THE RURAL LANDS ZONE.**

**f.(v) 1999:** amend list of exceptions, delete “and clubs” and add **(vi)** sporting clubs.

**h and i 2003:** Add new items to permit Home based businesses (formerly home occupations) and accessory dwelling units by special exception.

j. **2012:** Add Riding Academies. The purpose of this amendment is to allow riding academies by special exception in this zoning district, which the Planning Board feels is appropriate.

4. ***AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE RURAL LANDS ZONE.***

g. **BUILDING AREA. 2003:** Add section to require compliant building area.

I. ***TOWN CENTER ZONE. 1996:*** changed name of zone from “Historic Center” to “Town Center”.

1. ***PERMITTED USES IN THE TOWN CENTER ZONE.***

a. **2009:** Delete Section and replace with a. (i), Single- and Two-Family Dwellings and (ii), Conversion of Existing Residential Buildings

f. **2000: *Justification for amendment:*** The reference to elderly housing as a permitted use was changed to housing for older persons in all sections to be consistent with the amended definition of elderly housing.

i. **2006:** add new item i. Temporary Structures added as a permitted use.

2. ***ACCESSORY USES IN THE TOWN CENTER ZONE***

b. and d. **2003:** Delete home occupations and accessory dwelling units.

3. ***SPECIAL EXCEPTIONS IN THE TOWN CENTER ZONE. 2001:*** delete "see Section VII".  
***Justification for amendment:*** This is a housekeeping change. **2009:** Delete reference to site plan review.

i.(v) **1999:** amend list of exceptions, delete “and clubs” and add (vi) sporting clubs.

k. and l. **2003:** Add new items to permit Home based businesses (formerly home occupations) and Accessory dwelling units by special exception.

4. **2009:** Add Uses allowed by Conditional Use Permit in the Town Center Zone a. and b. Amend numbering. The purpose of this amendment is to allow workforce housing.

5. ***AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE TOWN CENTER ZONE.***

d. **2000: *Justification for amendment:*** Dimensional requirements for accessory structures were added to this section because it was not addressed under Area and Height Requirements for the Town Center zone as it was in all other zones in the ordinance.

g. **2003. BUILDING AREA.** add section to require compliant building area.

J. ***WATER SUPPLY CONSERVATION ZONE. 1996:*** generally amended.

2. ***ACCESSORY USES IN THE WATER SUPPLY CONSERVATION ZONE.***

b. **2003.** Delete home occupations.

3. ***SPECIAL EXCEPTIONS IN THE WATER SUPPLY CONSERVATION ZONE. 2009:*** Delete reference to site plan review.

3.b. and c. **2003:** Add new items to permit Home based businesses (formerly home occupations) and Accessory dwelling units by special exception.

4. ***AREA AND HEIGHT REGULATIONS FOR PERMITTED USES AND SPECIAL EXCEPTIONS IN THE WATER SUPPLY CONSERVATION ZONE.***

g. **2003. BUILDING AREA.** add section to require compliant building area.

h. **2003. BACKLAND LOTS.** Formerly g.

**SECTION XI. OVERLAY ZONING DISTRICTS. 1996:** new section added, replacing and including Section XI. Aquifer Protection Overlay Zone

A. ***AQUIFER PROTECTION OVERLAY ZONE. 1996:*** generally amended. **1997:** Preamble: generally amended; added references to Master Plan, etc. **2003:** Intent: Amend and expand section.

1. **LOCATION. 1997:** generally amended; added procedure allowing use of certified soil scientist.
  2. **2003:** new section – **DEFINITIONS** Renumbered sections. **2013:** removed numbering.  
**1997:** new section.
  - 3 **Formerly 2. 1997:** new section. **2010: DIMENSIONAL STANDARDS IN THE AQUIFER PROTECTION OVERLAY ZONE.** Amended because of new State requirements for groundwater recharge.
  4. **2003: PERFORMANCE STANDARDS.** Expand section to specify what additional studies may be required.
  5. **1996: PERMITTED USES IN THE AQUIFER PROTECTION OVERLAY ZONE.** added “and/or unless the use is specifically prohibited, below.”
  6. **PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE.**
    - e. **1996:** deleted “containing de-icing chemicals” following “Dumping of snow”. **1997:** added “Aquifer Protection”
    - f. Prohibited Uses. **1996:** deleted “where animals are kept” following “animal feedlots”. **1997:** deleted “where animals are kept”
    - k.-m. **1997:** new sections. **2011: m.** Delete “and composting facilities”
    - 1998:** delete section and renumber section XI,A.7 as new XI,A.6.
  7. **1997:** new section. **NONCONFORMING USES IN THE AQUIFER PROTECTION OVERLAY ZONE:**
    - b. Addresses underground storage tanks
- B. FLOOD PLAIN OVERLAY ZONE. 1996:** moved from Section X. **2007:** Generally amended to comply with the requirements of the National Flood Insurance Program.
- 7. BUILDING IN THE FLOOD PLAIN**
- e. **2009:** Amended Sec. 7(e). to comply with the requirements of the National Flood Insurance Program
- C. WETLAND CONSERVATION OVERLAY ZONE. 1996:** changed name of section from “Wetland Conservation Areas”; generally amended. **1998:** Renumber sections 2-4 as 3-5, respectively; add new section 2 “Jurisdiction.” **1999:** Delete Section XI.C. in its entirety and replace with revised Wetlands Conservation Overlay Zone Ordinance. **2000: Justification for amendment:** The majority of amendments to the WCO Zone Ordinance were clarifications to sections that were vague or caused problems with implementation. There were a few specific changes to sections intended to provide further protection to wetlands and surface waters. Most other amendments were suggested by the ZBA, Conservation Commission, Planning Board, or Staff to make the ordinance clearer to the public and easier to administer. Among these amendments were organizational changes to the sections addressing the wetland special exception process. **2002:** generally amended. *Justification for amendments:* The purpose of this amendment is to streamline application procedures for "grandfathered" lots and to give Town boards flexibility in determining submission requirements for special exception applications. The amendments reflect procedural changes only and do not affect rules and restrictions regarding wetlands, surface waters and the one-hundred-foot buffer zone.
1. **PURPOSE.**
    - j. **2003:** add additional purpose statement.
  2. **DEFINITIONS. 2002:** Delete Accessory Structures definition. *Justification for amendment:* Defined in Section VIII.2. Add BMPs for Erosion Control During Trail Maintenance and Construction, as amended. *Justification for amendment:* Adoption of state guidelines for trails construction and maintenance in and around wetlands and surface waters.  
**2006:** Add definition for Bulk Water Transporter
  3. **JURISDICTION.**
    - a. **2000:** The amendment to **Section XI.C.3.a** specifies that applications involving alterations to wetlands,

which are under State jurisdiction, go through the appropriate Town process to protect the buffer.

**b. 2002:** Grammatical corrections and deletion of last sentence. *Justification for amendment:* Sentence already included in Section XI.7.

**c. 2002:** Delete wording that states applicants on grandfathered lots must go to Planning Board. *Justification for amendment:* Eliminates inequity in review of applications for existing lots and streamlines process to allow planning staff to review and approve construction and expansion in the buffer for existing lots of record.

**c (v). 2002:** Add: Planning Board. *Justification for amendment:* Provision for review by Planning Staff/Planning Board.

**d. 2002: Delete (i) and (ii).** *Justification for amendment:* Allows all improvements/expansions on grandfathered lots to be dealt with by Planning Staff/Planning Board eliminating the need for ZBA approval for expansions greater than 250 sq.ft. Add: 100 foot buffer *Justification for amendment:* clarification.

**d. 2002: (iv) Delete:** cisterns. *Justification for amendment:* Cisterns do not need buffers

5. **2010: DRAINAGE.** Delete paragraphs c. and d. The purpose of these amendments are to comply with the NH DES Alteration of Terrain rules for groundwater treatment and recharge.

6. **PERMITTED USES WITHIN THE WETLAND CONSERVATION OVERLAY ZONE.**

**b. 2006:** Add new section **b.** to address water withdrawal from surface waters for bulk transport and delivery. *Justification for amendment:* To establish conditions and limitations in accordance with State regulations for water withdrawals for bulk transport and delivery from surface waters.

**c.(ii). 2002:** Add: greater than 25%. *Justification for amendment:* clarification.

**d. (xv.)** Add: reference to BMPs. *Justification for amendment:* Adds reference to guidance document for performance standards.

**d.(xvi.)** Add: Buffer disturbances for driveway access. Buffer disturbances do not need approval from the NH Wetlands Bureau. *Justification for amendment:* To allow Conservation and Planning Staff/Planning Board to review and set conditions on applications that show wetland buffer disturbance for driveway access (including common driveways for no more than two lots)

**d. 2010: add section (xvii) and (xviii).** Amendment allows buffer disturbances for Planning Board approved subdivision road access, putting review and approval of these cases under the jurisdiction of the Planning Board and its engineering consultant. Allows the placement of stormwater management facilities in the WCO Zone in accordance with the NH Department of Environmental Service Alteration of Terraon Regulations.

7. **SPECIAL EXCEPTIONS IN THE WETLAND CONSERVATION OVERLAY ZONE. 2002:** a. Amend entire section. *Justification for amendment:* Clarifies ZBA criteria for granting special exceptions.

**a. 2010:** Amend item a. This amendment allows stormwater management facilities to be located to within 50' of a wetland as long as the facilities comply with the State Regulations.

**b.** Application Procedure: Amend entire section. *Justification for amendment:* Entire section revised to give boards flexibility in determining information needed for special exception hearing on a site-specific basis.

**c. Delete section c.** Reword and replace in section 7.a. *Justification for amendment:* Puts criteria for granting special exceptions at beginning of section.

8. **PROHIBITED USES WITHIN THE WETLAND CONSERVATION OVERLAY ZONE. 2003:** a. (iv). **2010:** Amend item (iv). Delete ~~roadways and~~ from the paragraph. The purpose of this amendment is to allow buffer disturbances for Planning Board approved subdivision road access, putting review and approval of these cases under the jurisdiction of the Planning Board and its engineering consultant

**a.(v.)** Add two additional items and amend generally to broaden the scope of prohibited land uses that harm or degrade the wetland buffer and/or wetlands.

**D. 2009:** Add D. *MULTI-FAMILY ZONE*.

**2. 2012: GENERAL STANDARDS.**

b. Delete paragraph in its entirety. The purpose of this amendment is to eliminate the requirement that a portion of a multi-family project shall be owner occupied. This complies with the State Statute.

**SECTION XII. NONCONFORMING USES, STRUCTURES AND LOTS. 1993. generally amended.**

**A. NONCONFORMING USES.**

**3. ALTERATIONS.**

c. **1999:** Clarify the language so that it is clear that only the changes proposed by the plans submitted are to be considered, and not possible future alterations.

d. e. Nonconforming Uses: **2000:** new sections added intended to clarify alteration of a nonconforming use. **2001:** delete sections d. and e. *Justification of amendment:* This change eliminates text inserted by petition in 2001 for one specific case.

**B. NONCONFORMING LOTS:**

1. **2011:** Add new text. ...” Provided, however, that any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district, shall be permitted. The purpose of this amendment is to allow non-conforming structures to be expanded without ZBA approval, provided the structures adhere to applicable zoning district setbacks.

4. **2000:** new section. *Justification for amendment:* The intent of these changes is to allow special exceptions to zoning setback requirements on non-conforming lots in the Historic District where strict adherence to these zoning setback requirements may not be desirable.

**C. NONCONFORMING STRUCTURE., CONTINUANCE: 1997:** inserted “that does not further aggravate a front, side, or rear yard setback nonconformity” and “and according to the diagram below”; added diagram and explanatory text. **1999:** Clarify the intent of this section by limiting the provisions for an expansion or change of use to consideration of the provisions in Section XII.A.3 Alterations: paragraphs a and b.

**2006:** Add to item C. Non-conforming structure – “Proposal C does not include landings or stairs”. **2012:** Explanation of Diagram-Add. Proposal “C” requires a grant of variance by the ZBA. The purpose of this amendment is to clarify that a variance, not a special exception, is required for proposal “C”.

**SECTION XIV. SIGN ORDINANCE. 1996:** moved from Section XI; changed “Regulations” to “Ordinance” in section title; changed “Administrating Board” to “Administrative Board” throughout.

**A. SCOPE. 1996:** generally amended.

**B. DEFINITIONS.**

1. **ADMINISTRATIVE BOARD. 1996:** added “or board” following “person(s)”.

5. **EVENT SPECIFIC SIGN. 1996:** generally amended. **2013:** added; non-profit event; These signs shall not promote a business; removed business opening, sale

9. **HISTORIC PLAQUE. 1996:** generally amended.

11. **HOME OCCUPATION SIGN. 1996:** generally amended.

12. **ILLUMINATED SIGN. 1996:** changed “light/paint” to “surfaces”.

13. **INFORMATION SIGN. 1996:** generally amended.

14. **LINEAL BUILDING FRONTAGE. 1996:** changed “additive” to “cumulative”.

16. **NON-CONFORMING SIGN. 1996:** added “but which legally existed prior to the adoption of this Sign Ordinance”.

28. **SIGN. 1996:** generally amended.

32. **SUBDIVISION SIGN. 1996:** deleted “in this or any other development” following “such sales”.

36. **WINDOW SIGN.** 1996: generally amended.
- I. **EVENT SPECIFIC SIGNS:** 7. Removed; Multi business locations with Master Sign will not
- N. **AGRICULTURAL SIGNS:** 2013: changed section
2. **MOBILE AND PORTABLE SIGNS:** 2013: (a) added; “These signs are used to promote a business...resides.”
- C. **ADMINISTRATION.** 1996: generally amended.
- D. **GENERAL REQUIREMENTS.** 1996: generally amended.
- E. **APPLICATION FOR PERMIT.** 1996: generally amended.
- F. **PERMITS.**
4. 1996: changed “Planning and Land Use Regulations” to “Revised Statutes Annotated”.
- G. **GENERAL PROVISIONS.** 1996: generally amended.
- H. **PROHIBITED SIGNS.** 1996: deleted “The primary intention here is to ensure that signs be constructed of standard material with standard paint”; generally amended.
1. 1996: added “or signs which are made to appear to move” following “moving signs”.
5. 2004: Add new item 5. for section reference.
14. 1996: added “except that display stands on a farm premises shall be permitted, subject to other provisions of the Zoning Ordinance” following “display structures”.
- I. **EVENT-SPECIFIC SIGNS.** 1996: generally amended. 2012: This amendment clarifies procedures for obtaining a permit for an event-specific sign 2004:
7. Add new item 7. *Justification for amendment:* clarify standards for event-specific signs.
- J. **ILLUMINATION STANDARDS.** 1996: deleted “A sign must not contain motorized or electronic parts which cause it to move or appear to move”; generally amended.
- K. **CONSTRUCTION AND SAFETY STANDARDS.** 1996: generally amended.
- L. **EXEMPTIONS.** 1996: generally amended.
- M. **RESIDENTIAL AND SUBDIVISION SIGNS.** 1996: added “and Subdivision” following “Residential”; generally amended.
- O. **REAL ESTATE SIGNS.** 1996: generally amended.
6. Formerly 10. 1996: Off premise directional signs. added “must be” before “removed; changed “within 3 days” to “no later than one (1) day”.
- P. **HISTORIC DISTRICT SIGNS.** 1996: generally amended.
4. 1996: added “design” following “coordinated in”.
- Q. **BUSINESS AND INDUSTRIAL SIGNS.** 1996: added “Agricultural and” before “Business”; added “Commercial”; generally amended. 2004:
2. Add new section for **MOBILE AND PORTABLE SIGNS.** *Justification for amendment:* to permit freestanding A-frame type signs in front of businesses. 2012:
- b. 2012. The purpose of this amendment is to clarify procedures for obtaining permits for mobile and portable signs
- R. **VENDING MACHINES.** 1996: generally amended.
3. 2001: delete "shall sit jointly with the" added "may consider, but not necessarily be bound by, recommendations of" *Justification for amendment:* This change allows the Zoning Board of Adjustment to consider, but not necessarily be bound by, recommendations from the Historic District Commission.
- S. **SIGN MASTER PLANS.** 1996: generally amended.



**T. GRANDFATHERED SIGNS. 1996:** generally amended.

**U. SEPARABILITY. 1996:** deleted section.

**SECTION XV. HOLLIS RURAL CHARACTER PRESERVATION ORDINANCE. 2004:** Add new section,  
*Justification for amendment:* To preserve and maintain Hollis' scenic vistas 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.

**C. OBJECTIVE: 2010:** and **C.1.** Amended to replace “public ways” with “public roads” .

**D. DEFINITIONS. 2006:** Amend definition of Clear-Cutting. Add new definition for Forest Cover.

**F. DESIGN STANDARDS.**

1. **b.** Insert new item regarding use of stone rip-rap.

**h.** Revise item regarding clear-cutting. *Justification for amendments:* To require revegetation for property that is to be clear-cut for future development and to require revegetation in areas disturbed by earthmoving operations.

2. **a. 2010:** Delete entire text and replace with new wording. The purpose of this amendment is to delete all references to “public way” and replace with “public road”. This will clarify the location(s) from which the feature(s), which are proposed to be protected may be viewed. This amendment also allows the Planning Board flexibility in siting considerations for proposed construction along or near significant features.

4. **e. 2009:** Delete: “The minimum paved width of a road is 20 feet”. The **purpose** of this amendment is to delete a specific road standard from the Zoning Ordinance because: (1) the number is no longer correct, and (2) this standard is found in the Subdivision Regulations.

**SECTION XVI. ADULT SEXUALLY ORIENTED BUSINESSES ORDINANCE. 2006:** Add new section –  
*Justification for amendment:* To establish locations and conditions under which adult sexually oriented businesses are allowed in order to provide the Town of Hollis the opportunity to regulate this activity.

**SECTION XVII. HISTORIC DISTRICT ORDINANCE. 2008:** Add new section – **2013:** Section E.5; added or expansion in use; removed in use from residential to commercial.

**SECTION XVIII. WORK FORCE HOUSING ORDINANCE. 2009:** Add new section-.

**SECTION XIX. EXCAVATION OR MOVEMENT OF EARTH MATERIALS: 2011.** Reconfigured: Moved **Section IX. A.** to new **Section XIX.** Renumbered and re-lettered.

**SECTION IX amendments.**

**A. EXCAVATION OR MOVEMENT OF EARTH MATERIALS**

**2.a(ii) 1996:** added Wetland Conservation Overlay Zone; generally amended.

**2.a(iii) 1996:** added Aquifer Protection Overlay Zone; generally amended.

**2.a(iv) 1996:** generally amended.

**2.b. 1996:** generally amended.

**3. SPECIAL EXCEPTIONS: 1996:** generally amended.

**5. THIS ORDINANCE SHALL NOT...1997:** added (ii).

**SECTION XX. HOLLIS OPEN SPACE PLANNED DEVELOPMENT (HOSPD) Adopted March 1993.** Amended March 1994. Renumbered new Section 2011. Formerly in Section IX

**2003:** Renumbered Section. Open Space Requirements. **2003:** Add new item (i). Add language to ensure that open space in HOSPDs will be useable for park, recreation, conservation or agricultural purposes. **2008:** Amend section J. Hollis Open Space Planned Development (HOSPD). Amend item 5.a. Density (i) The purpose of this amendment is to revise the standards for determining HOSPD density to reflect Net Tract Area rather than gross parcel area. Amend 5.d. (ii) and (iii) to clarify the method of determining HOSPD open space. **2009:** Add new section 6. Workforce Housing Units/Owner Occupied.

4. **APPLICABILITY AND PROCEDURES IN A HOSPD**

- a. **APPLICABILITY 1997:** added third sentence.
- b. **EXEMPTIONS. 1996:** deleted “Minor”; generally amended. **1997:** added “Any major subdivision not subject to HOSPD requirements shall meet the Point Criteria System. **1997:** deleted “each lot has less than 200 feet of frontage or is otherwise incapable of further subdivision”; replaced with “the deed for each lot...”
- d. **PROCEDURES. 1996:** deleted “Sections III. 1, SUBDIVISION PROCEDURE, and IV. 1, GENERAL REQUIREMENTS”.

5. **DENSITY. 1996:** generally amended.

- a. **(i) 2000: Justification for amendment:** This would provide a density based on buildable land, and increase the protection of sensitive areas. Open space would become totally usable.
- b. **LOT SIZE**
  - (ii) 2000: Justification for amendment:** The purpose of this amendment is to keep minimum lot requirements for HOSPD backland lots consistent with contiguous area requirements for all lots.
  - (iv-v) 1997:** new sections.
- c. **FRONTAGE**
  - (i) 1997:** changed to “For HOSPD lots developed along a pre-existing Town road: 200 feet minimum per lot.”
- d. **OPEN SPACE REQUIREMENTS**
  - ii) 1999:** Increase open space area requirement from 30% to 40% for HOSPD lots with a density of one dwelling unit per 3 to 5 acres. **2000: Justification for amendment:** Open space would become more desirable because it would increase usable land and have the potential to serve a number of purposes, depending upon the location. Sensitive areas would be further protected. Subdivisions could be designed with a true conservation approach by carving out the sensitive land first, enabling the protection of systems, rather than creating isolated pockets.
  - (iii) 1999:** Increase the open space area requirement from 40% to 50% for HOSPD lots with a density of one dwelling unit per 2 to 3 acres. **2000: Justification for amendment:** Open space would become more desirable because it would increase usable land and have the potential to serve a number of purposes, depending upon the location. Sensitive areas would be further protected. Subdivisions could be designed with a true conservation approach by carving out the sensitive land first, enabling the protection of systems, rather than creating isolated pockets.
  - (v) 1996:** changed “development” to “subdivision” following “conventional”; changed “to the minimum feasible extent required to achieve the density possible by a conventional development” to “Such a reduction shall nonetheless otherwise maximize open space.”
  - (vi) OPEN SPACE OWNERSHIP AND MANAGEMENT. 2000: Justification for Amendment:** This section was added to require that the conveyance of open space land and its management be clearly indicated on the plan and in the appropriate deeds and covenants as part of the plan approval, in accordance with recommendations from the Town Attorney.
- e. **BUILDING SETBACKS. 1998:** new section. **2013:** added; Accessory Structures 15 feet side and rear lot lines.

**SECTION XXI. HOUSING FOR OLDER PERSONS:** formerly **Section XIII. Elderly Housing.** Generally amended .  
**New section 2011.**

**1996:** deleted “Subsidized” from section title and added “and Disabled”; added “and disabled” throughout section following “elderly”; generally amended. **1997:** deleted limitation to one mile radius from Monument Square; deleted limitation to 3% of total dwelling units in Town. **2000:** Entire section deleted and replaced with **CONDITIONS FOR THE WAIVER OF THE HOUSING DENSITY REQUIREMENTS** *Justification for amendment:* The intent of these ordinance amendments is to provide housing for older persons that meets community needs while complying with applicable State and Federal laws, by providing a waiver to otherwise applicable density requirements, allowing four times single family density. Depending upon

the predetermined age of occupants of a community for older persons the ordinance specifies the varying levels of compliance prescribed by statute for the provision of community facilities and services and provides the same waiver of conventional density requirements to all. Additionally, the ordinance amendments, along with the recently approved Housing for Older Persons Site Plan Regulations, will ensure that this type of housing provides community amenities in a setting that is characteristic of the surrounding community. The new Section M incorporates most of the provisions of deleted Section R: Retirement Community, with the exception of discretionary items, which were incorporated into regulations for elderly housing.

**Retirement Community. 1997:** new section. **2000:** Section entirely deleted and replaced with new section IX. M.

**Justification for amendment:** The intent of these ordinance amendments is to provide housing for older persons that meets community needs while complying with applicable State and Federal laws, by providing a waiver to otherwise applicable density requirements, allowing four times single family density. Depending upon the predetermined age of occupants of a community for older persons the ordinance specifies the varying levels of compliance prescribed by statute for the provision of community facilities and services and provides the same waiver of conventional density requirements to all. Additionally, the ordinance amendments, along with the recently approved Housing for Older Persons Site Plan Regulations, will ensure that this type of housing provides community amenities in a setting that is characteristic of the surrounding community. The new Section M incorporates most of the provisions of deleted Section R: Retirement Community, with the exception of discretionary items, which were incorporated into regulations for elderly housing.

**2001:** Renamed, "Housing for Older Persons". **2003:** Renumbered IX. L.

- A. Purpose: **2001:** delete "housing units determined to be desirable for the town as well as necessary to meet community needs, including, but not limited to"
- 1.. **GENERAL STANDARDS: 2001:** delete Section a.1 and a.2. Replace with a. to establish dwelling unit density. Amend d. delete "elderly and disabled", change to "older persons". Amend e. increase minimum lot acreage to 30 acres. Add l. restricting development to sites with frontage on specific roads.
- 3. Maximum Permitted Dwelling Units: **2001:** delete "fifteen percent (15%)", change to "ten percent (10%)".
- 7. Retirement Community. **2001:** delete entire section, replace with new 6. "Building Rights Limitation".

**Justification for Amendments:** These changes were made to better enable the development of Housing for Older Persons. The changes include: restricts projects to persons 62 years of age and older; revises minimum lot size; restricts development location to specific roadways; replaces "building rights" with construction phasing; eliminates Retirement Community category.

**SECTION XXII. HOME BASED BUSINESSES.** Formerly Section IX. N. **HOME OCCUPATIONS (Adopted March 1989).** **1996:** generally amended. **2003:** Renumbered IX, M. Special Exceptions. **1996:** added reference to use, production, and storage of hazardous materials, **2013:** Purpose: added; Only one Home Occupation or Home Shop use shall be allowed per residential unit.

formerly found at IX,O.16.

- 6. **1997:** deleted "and shall not physically occupy an area greater than 15% of the total heated floor space of the home and shall not exceed 300 square feet"; added second sentence.
- 9. **2001:** amended to clarify that only one non-resident is permitted to be employed at the work site of a home occupation.
- 13. **1996:** changed "6" to "12"; changed "12" to "24"; added "'Trip' shall be as defined in the ITE Trip Generation Manual, 5th Ed.".
- 17. **1996:** added "on the premises" following "sales or services". **2008.** Add new item M. 17. The purpose of this amendment is to allow the Zoning Board of Adjustment to review septic system capacity as part of the home occupation criteria)

**2009:** Delete entire section and replace with new section: **HOME BASED BUSINESSES** with three sections: **2. HOME OFFICES; 3. HOME OCCUPATIONS;** and **4. HOME SHOPS.** The purpose of this amendment is to allow a limited business use in a residential area by Special Exception from the Zoning Board of Adjustment.

- 3.4. & 5. 2010:** Amended to prohibit a non-conforming home-based business, home occupation or home shop from extending its activity beyond the boundary within which it was originally permitted; and to address home based businesses, home occupations and home shops that have "substantially change" or been abandoned.

3. **HOME OCCUPATIONS. 2012:** b(ii) and 4. **HOME SHOPS. b (ii).** Amended to resolve a conflict between the Home Shop and the Sign Ordinance with respect to the allowable size for signs.

**SECTION XXIII. TELECOMMUNICATIONS. Formerly Section IX.S. Personal Wireless Facilities. 1997:** new section. **1998:** delete section and replace with “Telecommunications.” **2000:** Section re-lettered from S to R **2003:** Re-lettered R to Q. **2011:** moved to new section XXIII. Telecommunications.

- S(Q).1999:** Amend definition 2.e. Height of telecommunications facility and add definition 2.f. Height of surrounding existing vegetation to be consistent with definitions in Telecommunications Facilities Regulations. Change lettering for remaining definitions.

#### **March 2014**

##### **Section XIV, Sign Ordinance, paragraph m; Residential and Subdivision Signs**

1. Remove the words .....or farm.

##### **Section XIV, Sign Ordinance, paragraph n; Agricultural Signs; c; Off-Premises seasonal agricultural signs,**

1. Change to read not to exceed 4 (four) square feet

##### **Section XIV, Sign Ordinance, paragraph n; Agricultural Signs; b, On-Premises seasonal agricultural signs,**

1. Remove product and change to read; Crop picked where it has been grown (such as “Apples”; “Peaches” & “Strawberries” etc.) provided that it displays directional information.

##### **Section IX, General Provisions, paragraph p; Conditional Use Permit-Landscaping Material Yard, 3, Standards and Review, e;**

1. Remove directly from a State Road and change to from frontage on a State Road.

##### **Section XI, Overlay Zoning District, paragraph c; Wetland Conservation Overlay Zone, 6.c (iv)**

1. Remove or naturalized and the United States Fish and Wildlife Service.....New Hampshire
2. Change to read Planting of native.....NHDES publication “Native Shoreland/Riparian Planting for New Hampshire date March 2006, as amended.

##### **Section XI, General Provisions, paragraph K; Accessory Dwelling Unit.**

1. Add new paragraph 7, Owner Occupied; The principal dwelling unit or accessory dwelling unit shall be owner occupied. If the property owner cannot comply with the provision due to hardship such as, but not limited to, job relocation or a medical/family emergency; the owner may apply to the Board of Adjustment for a Special Exception, such relief may be reviewed by the Board of Adjustment annually but in no case shall the relief be granted be greater than 2 years

#### **March 2015**

Amended **Section X Zoning Districts: Paragraph: G. Residential/Agricultural Zone. 2. Special Exception** by adding the following new use:

- m. Bed and Breakfast according to the definition in Section VIII

and amended Section VIII – Definitions by adding the following new definition:

Bed and Breakfast: A Bed and Breakfast is defined as a transient lodging facility, that is the personal residence of its owner, is occupied by the owner at the time of the rental to a patron, and in which the only meal served is breakfast to in-house patrons. Residents, patrons and non-resident employees must be provided with off-street parking. The bed and breakfast must also comply with all state regulations and have an adequate septic system.

Amended **Section IX General Provisions, F Swimming Pools, Outdoor Storage Tanks, Commercial Fishing Ponds** by amending paragraph 1 as follows:

The facility shall conform with the setback requirements for principal buildings. (Except for in-ground swimming pools which shall conform with the setback requirements for an accessory structure)

Amended existing **Section IX General Provisions, Section K Accessory Dwelling Unit, 3e** by amending the existing Section as follows:

An accessory dwelling unit shall have an area of no less than 300 square feet and no greater than 800 square feet. (Measured by the outside dimension of the exterior wall or the interior dimension of a common wall) An attached accessory dwelling unit shall occupy no more than 30% of the total heated, above grade floor area of the total dwelling unit, including the accessory dwelling unit.

Amended **Section IX: General Provisions**, by adding the following new paragraph:

Q. Planned Unit Development (PUD) setback requirements: For those residential subdivisions that were approved by the Planning Board under the former Planned Unit Development ordinance (pre 1993), building setback requirements shall adhere to the Building Setbacks provisions outlined in Section XX Hollis Open Space Planned Development, Section 5e Building Setbacks.

Amended **Existing Section XII: NONCONFORMING Uses, Structures and Lots, Section B. Nonconforming Lots**, 2 to read as follows:

A separate lot which does not conform to the provisions of this Ordinance, which is recorded and taxed as a lot of record at the time of passage of this Ordinance may be used for any conforming use of this district.

Amended existing **Section XII: NONCONFORMING Uses, Structures and Lots, Section A. Nonconforming Uses**, 2 **Discontinued Use** as follows:

Whenever a nonconforming use has been discontinued for more than two years for any reason, such nonconforming use shall not thereafter be reestablished, and the future use of the property shall be in conformity with the provisions of this ordinance.

### **March 2016**

**By creating new Section XXIV; Solar Energy Systems**

**Amend Section X, Zoning Districts Agriculture and Business Zone A&B, Commercial Zone (C), Industrial Zone (I), Mobile Home-1 Zone (MH-1) and Mobile Home -2 Zone (MH-2), Recreation Zone (R), Residential and Agriculture District (R&A), Rural Lands Zone (RL), Town Center (TC), Water Supply Conservation Zone & Historic District (HC) to allow Solar Energy Systems uses as follows:**

Permitted Uses

Roof-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

Uses Allowed by Conditional Use Permit

Ground-Mounted Solar Energy Systems. All proposals in the Historic District shall be reviewed and approved by the Historic District Commission.

**Amend Section X Zoning Districts, Section B. Section C, Industrial Zone (I) by adding a new paragraph: 7. Uses Allowed by Conditional Use Permit:**

Alternative Treatment Centers: Pursuant to the authority provided in RSA 674:21, the Planning Board may grant a Conditional Use Permit for an Alternative Treatment Center, Cultivation & Non-cultivation, subject to the requirements of Section IX General Provisions, Paragraph P. This use shall be limited to that portion of the Industrial Zone located along Proctor Hill Road (NH Rt. 130).

### **March 2017**

**Amended Section IX General Provisions, paragraph K Accessory Dwelling Units, 2. Definition, Accessory Dwelling Unit (ADU) by deleting the existing definition and replacing it with the following:** As defined by RSA 674:71 as amended, “means a residential living unit that is within or attached to a single family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principle dwelling unit it accompanies.”

**In addition, amended Section 3 Requirements/Limitations by adding the following:** The use of an ADU shall not be deemed to include such transient occupancies as hotels, motels, rooming or boarding houses. This limitation includes short-term rentals (less than four weeks at a time) of dwelling units. Short-term rentals are only authorized as specifically provided for Bed and Breakfast (Inn) establishments.

**Amended Section VIII Definitions, Structure and/or Building, by adding the following to the existing paragraph:**

Structures and/or Building(s) 120 square feet or less shall not require a building permit, but shall be required to meet all setback requirements.

**Amended SECTION XIV: SIGN ORDINANCE as follows: Amend paragraph C. Administration, D. General Requirements, E. Application for Permit, F. Permits, H. Prohibited Signs and I. Event-Specific Signs by deleting reference to the Administrative Board and replacing it with the Building Inspector/Code Enforcement Officer. In addition, clarify the roles of the Board of Selectmen and the Zoning Board of Adjustment as it relates to the sign code.**

**Amended by deleting, in its entirety, Section XIII Residential Construction Timing and Phasing Ordinance, along with the Definitions outlined in Section VIII; Building Right, Building Year and Transferred Rights.**

**Amended Section XXI Housing for Older Persons as follows:**

GENERAL STANDARDS: All housing for older persons shall conform to the following standards:

Dwelling unit density shall not be greater than two (2) ~~one (1)~~ two-bedroom dwelling units or two (2) one-bedroom dwelling units/net tract acre when the type of housing that is being proposed is that which complies with NH RSA 354-A:15, II Housing for Older Persons, ~~, which provides an exception to the rule against restricted housing for housing that is "... (H) intended for , and solely occupied by, persons 62 years of age or older."~~

The minimum lot area shall be 20-~~30~~ acres and the lot shall have at least 50 feet of frontage on those roadways listed in Section XXI, A,1,L.

MAXIMUM PERMITTED DWELLING UNITS: The maximum number of housing for older persons dwelling units approved in a calendar year, when added to all previously approved units of housing for older persons, shall not exceed twenty-five ~~ten~~ percent ~~(10%)~~ (25%) of the total dwelling units existing in the Town for the previous year.

**Amended Section XI Overlay Zoning Districts as follows:**

6. PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE: The following uses shall not be permitted in the Aquifer Protection Overlay Zone: ~~b. Subsurface storage of petroleum or other refined petroleum products.~~

7. NONCONFORMING USES IN THE AQUIFER PROTECTION OVERLAY ZONE:

~~b. — Notwithstanding subparagraph 7.a above, no underground storage tank for petroleum or other refined petroleum products may be repaired or replaced. All failed underground storage tanks must be removed according to standards established in state statutes and regulations.~~

**Amended Section X: Zoning Districts by adding the following Intent Sections as follows:**

C . INDUSTRIAL ZONE (I)

INTENT: The Industrial Zone is intended to provide for the location of industry and light manufacturing and the Special Exceptions uses noted in paragraph 4.

D. MOBILE HOME-1 ZONE (MH-1)

INTENT: The Mobile Home-1 Zone is intended to provide an area in Town in which individual lots for mobile homes as well as mobile-home parks are allowed.

H. RURAL LANDS ZONE (RL)

INTENT: The two-fold intent of the Rural Lands Zone is to encourage farming in Town and to permit limited development in areas where physical site conditions are problematic or access to Town services is restricted.

**March 2018**

**Amend Section X Zoning Districts, Agriculture/Business Zone**

1. Permitted Uses in the Agriculture and Business Zone, to allow private schools and day care providers as allowable uses.

**Amend Section XIV Sign Ordinance by removing reference to Administrative Board** in Sections N.2.Ciii; Q.2.b.; S.1.3.4.; and T. and replace with the term Building Inspector/Code Enforcement Officer.

**Amend Section IV Enforcement and Administration**, paragraph J. by deleting the paragraph in its entirety ~~If, after the issuance of a permit, the operations authorized there under are not commenced within one year after day of permit or, if after the commencement of operations the work is discontinued for a period of one year, such permit shall be void and work may not again be commenced until a new permit shall have been issued for the original work, and building materials and~~

equipment on the ground shall be removed or stored according to the requirements of the Building Inspector, and replacing it with "A building permit shall be valid for one year from the date of issuance. Said permit period may be extended for one or more times with approval of the Building Inspector. If said permit expires, the building materials and equipment on the ground shall be removed or stored according to the requirements of the Building Inspector.

**Amend Section VIII Definitions, Structure and/or Building**, by deleting the last sentence in the paragraph. That which is erected or assembled using a combination of materials for occupancy or use, whether portable or affixed to the ground. This includes structures of permanent or temporary construction, plastic, fabric, and/or canvas covered frame structures, structures for agricultural uses, structures installed on skids, blocks or permanent foundations and all sheds and storage facilities. All structures will require a building permit. Structures shall not include fences, basketball and tennis courts. ~~Structures and/or Building(s) 120 square feet or less shall not require a building permit, but shall be required to meet all setback requirements.~~

**Amend Section XIV Sign Ordinance, N Agriculture Signs**, by deleting paragraph 1. ~~Permanent agricultural signs shall not exceed 20 square feet of sign surface area.~~ And replacing it with the following: Permanent agricultural signs: When affixed to a building, a sign shall not exceed 20 square feet of sign surface area. A free-standing sign shall not exceed 20 square feet of surface area with no one horizontal or vertical dimension greater than 6 feet. Posts supporting a free-standing sign shall have a total width of no more than 1 foot (unless specified otherwise by building code requirements). In addition, amend Section N.2. Seasonal agricultural signs, b. i. by deleting ~~Shall not exceed 20 square feet of sign surface area~~ and replacing it as follows: Shall not exceed 20 square feet of sign surface area with no one horizontal or vertical dimension being greater than 6 feet.

### **March 2020**

**Amended Section VIII, Definitions**, by adding the following: **Setback** - The minimum distance between the nearest portion of a building or structure, a lot line, a right-of-way line, a leach field, a well, or a terrain feature such as shoreline or wetlands area. Setbacks are required in this ordinance to support the purposes of Zoning Ordinances as specified in state law.

**Amended Section XI, D: Multifamily zone (MF) (Workforce Housing) by changing the following:**

#### **1. PURPOSE**

The intent of this Section is to define the requirements related to the development of multi-family housing and to prevent the overcrowding of land while provide for the opportunity to construct multi family housing by the provision of a waiver from the otherwise applicable density requirements, while complying with all applicable state and federal laws with respect to such housing and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town.

#### **2. GENERAL STANDARDS**

In order to provide for a variety of workforce housing units in the community, which includes both owner and renter occupied units, the following criteria shall be required for developments proposed in the Multi-family Zone:

- a. Dwelling unit density shall be no greater than four (4) units per acre, based upon the Net Tract Area of the property or the minimum number of units required to make the project economically viable whichever is less.
- h. The minimum lot area shall be 4 acres and the lot shall have at least 50 feet of frontage. Garden style structure shall be limited to two stories. Townhouse style may be ~~three-two~~ stories, provided that a portion of the first-floor area is allocated to a garage use.
- i. Multi-family workforce housing developments submitted under this section shall ~~be exempt from the requirement of Section IX, General Provisions, F, 1-4, Impermeable Surface and Building Coverage and Section XI, Aquifer Protection Overlay Zone (APO), A.3. Dimensional Standards in ch APO provided that all development proposals shall,~~ to the maximum extent practicable, seek to infiltrate the volumetric increase between the existing condition and the proposed condition for the 24-hour, 25-year storm. ...
- k. In order to minimize potential intrusion on neighboring land uses, the Planning Board ~~may shall~~ require the installation of a 100-foot landscaped buffer strip along the perimeter of the site. The Planning Board shall determine the exact nature of the buffer strip, after taking into consideration existing vegetation, topography and other relevant factors.

**Amended Section XVIII: Workforce Housing by changing the following:**

**A. PURPOSE.** ~~The purposes of this section are as follows:~~

The purpose of this section is to define the requirements related to the development of workforce housing in compliance with

RSA 674:58-61 and to prevent the overcrowding of land while complying with all applicable state and federal laws with respect to such housing and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town. 1. To encourage and provide for the development of affordable workforce housing;

~~2. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households;~~

~~3. To meet the goals related to affordable housing provisions set forth in the town's Master Plan; and~~

~~4. To comply with the requirements of SB 342, an Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA 674:58-61).~~

**B. AUTHORITY:** This innovative land use control section is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision as defined in RSA 674:21(I) (k) and 674:21(IV)(a), as well as RSA 672:1, IIIe, effective July 2009. ~~which states: "All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the State of New Hampshire, and serves a vital public need. Opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers". In addition RSA 674:21 II also provides the authority for Planning Boards to grant Conditional Use Permits.~~

2. Permitted Uses: Single family, duplex, and multi-family units ~~or mix of housing types within the same development, or a mix of commercial and multi-family housing is~~ are permitted within an application under this Section.

#### **D. CONDITIONAL USE PERMIT CRITERIA:**

The Planning Board ~~shall~~ may issue a Conditional Use Permit (CUP) if it finds, based on the information and testimony submitted with respect to the Workforce Housing Application, that:...

b. If completed, the development in its proposed location will comply with all requirements of Section XVIII and other applicable workforce housing provisions contained in other sections of the zoning ordinance without the benefit of waivers.

#### **G. WORKFORCE HOUSING GENERAL REQUIREMENTS:**

1. In order to be considered as a "completed" application eligible for "acceptance" under RSA 676:4.I, an application under this section must contain, at a minimum, the following information:

a. Calculation of the number of units provided under this section and how these units will be consistent with the Purpose of the Ordinance.

b. Description of each unit's size, type, estimated cost and other relevant data.

c. Documentation of affordable household eligibility as required in Section H

~~d. The Planning Board may request additional information if, in their judgment, it is necessary to make a meaningful determination of affordability.~~

2. ~~At the Planning Board's discretion, the applicant may be required to submit project cost estimates~~ Documentation to establish the economic viability of the proposal including land, development and construction costs; financing, profit, and sales costs; and other cost factors shall be provided. The planning board shall request updates of these cost reports as the project progresses.

#### **H. ASSURANCE OF CONTINUED AFFORDABILITY:**

In order to qualify as workforce housing under this section, the application shall make a binding commitment that the workforce housing units will remain affordable for a period of years. This shall be enforced through a deed restriction, restrictive covenant, or some other contractual arrangement through a local, state or federal housing authority or other non-profit housing trust or agency or through the town itself as selected by the Planning Board to administer this provision.

#### **I. ADMINISTRATION, COMPLIANCE AND MONITORING:**

2. Where workforce housing applicants propose a development of single-family homes or ~~mixed single family and multi-family homes, all provisions of the subdivision and site plan regulations shall apply unless waived by the~~



Planning Board. Where workforce housing applicants propose a development of multi-family units or mixed commercial and multi-family units, the site plan regulations shall apply unless waived by the Planning Board.

3. The Planning Board shall not approve any workforce housing proposal unless it complies with all applicable standards of this ordinance including but not limited to ~~related to~~ environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.

**Amended Section XX: Hollis Open Space Planned Development by changing the following:**

**3. PURPOSE:** The purpose of the HOSPD is to:

- a. Promote a more efficient use of land requiring a smaller network of streets and utilities;
- b. Promote the preservation of open space, farmland, recreation areas, green space, fields and woods, valuable wildlife habitat, and outstanding topographic, natural, and historic features;
- c. ~~Deleted Discourage the sprawling, land-consuming form of development usually resulting from conventional subdivision;~~
- d. Promote the efficient provision of municipal services and protect existing and potential water supplies;
- e. Maintain the rural and scenic character of the Town of Hollis;
- f. Promote siting of buildings which is sensitive to existing natural and historic features;
- g. Protect the value of real property; and
- h. ~~Provide a variety of types of living spaces and environments.~~

**4. APPLICABILITY AND PROCEDURES IN A HOSPD**

a. **APPLICABILITY:** ~~To facilitate achievement of the goals of the Hollis Master Plan, a~~ All major subdivisions shall be presented to the Planning Board in accordance with the Hollis Open Space Planned Development (HOSPD) standards as specified in this section and in the Land Subdivision Regulations ~~In all cases it shall be assumed that a HOSPD plan is necessary to meet the goals and objectives of this section and of the Master Plan, unless the contrary is demonstrated by the applicant.~~ In cases where the Planning Board determines that a parcel is unsuited to development as a HOSPD, it may waive the requirements of this Section IX,J and permit the parcel to be developed as a conventional subdivision subject to the Point Criteria System, below.

**6. WORKFORCE HOUSING UNITS/OWNER OCCUPIED**

Single ~~and two~~ family workforce housing units/owner occupied are permitted, provided the following criteria are adhered to:

1. Density: The maximum number of allowable dwelling units that could be developed under the provisions outlined in Section 5.a shall be determined following the standard practice for a Market Rate Housing development. Once the number of HOSPD lots has been determined and agreed to by the Planning Board then that lot figure may be increased by up to 30%-10% if it is shown that construction of workforce housing would otherwise not be economically viable. These additional lots shall be designated as workforce housing units/owner occupied.
2. Lot Size: There is no minimum lot size for workforce housing units. The proposed site shall have adequate soils to accommodate on-site wastewater treatment and an adequate water supply adhering to both local and state requirements. A Building Area shall ~~not be required and however~~ at least 50% of the lot shall be Acceptable Land. In addition, wells serving both workforce housing and market rate housing lots may be located in designated Open Space areas. With the goal of meeting the Open Space requirements in Section 5.d., the size of Market Rate Housing lots, as outlined in Section 5.b. may be reduced in order to accommodate the permitted workforce housing units. If it is determined, to the satisfaction of the Planning Board, that market Rate Housing lots cannot be reduced enough or at all because of septic and/or water supply regulations in order to accommodate the total permitted housing unit density, then the Planning Board may consider one or more of the following options in order to accommodate the increased density
6. Workforce housing units shall contain no more than ~~three~~ two bedrooms.

## **March 2021**

Amend Article XIV, Sign Ordinance, paragraph I, Event Specific Signs by removing the reference to “political candidates”, deletes 6. ~~Political posters shall not exceed 6 square feet of sign surface area.~~ In addition, amend paragraph L. Exemptions by adding a new 15. Political signs, which are regulated under RSA 664:17 as amended.

Amend Article XXI: Housing For Older Persons, I. General Standards, a. as follows: “Dwelling unit density shall not be greater than ~~one two (1 2)~~ two-bedroom dwelling units ~~or two (2) one-bedroom dwelling units~~/net tract acre.”, and e. “The minimum lot area shall be ~~20~~ 30 acres and..”. paragraph 3. MAXIMUM PERMITTED DWELLING UNITS: The maximum number of housing for older persons dwelling units ~~approved in a calendar year shall not exceed 10% of the total number of dwelling units existing in town. , when added to all previously approved units of housing for older persons, shall not exceed twenty five percent (25%) of the total dwelling units existing in the Town for the previous year.~~

Amend Section XI, Overlay Zoning Districts, A. Aquifer Protection Overlay Zone (APO), paragraph 6. PROHIBITED USES IN THE AQUIFER PROTECTION OVERLAY ZONE, by adding the following: A. *Subsurface storage of petroleum, other refined petroleum products, or other Hazardous or Toxic Materials as defined in RSA 147-A.* And paragraph 7. NONCONFORMING USES IN THE AQUIFER PROTECTION OVERLAY ZONE, by adding a new paragraph b. *Notwithstanding subparagraph 7. a. above, no underground storage tanks for petroleum, other refined petroleum products, or hazardous materials may be repaired or replaced unless repaired or replaced in kind with no expansion or modification to approved site plans. All failed underground storage tanks must be removed according to standards established by NH state statutes and regulations.*

Amend Section X, Zoning Districts, (C) Industrial Zone (I), 1 Permitted Uses in the Industrial Zone, b. as follows: Manufacturing - provided that smoke emitted by any stack shall not equal or exceed in density Ringelman No. 2 for periods aggregating more than 4 minutes in any half-hour period, and that all state air quality standards are met. *In order to ensure that noise outside of lot lines is not objectionable due to intermittence, beat frequency, or shrillness, noise shall be limited to no more than that of average weekday traffic on the surrounding streets. No objectionable, obnoxious, or dangerous concentrations or quantities of odor, dust, fly ash, gases, or fumes are emitted and no excessive vibration is caused. Provided also, that noise outside of lot lines does not exceed in intensity that of average weekday traffic on the surrounding streets so as not to be objectionable due to intermittence, beat frequency, or shrillness, and no objectionable, obnoxious, or dangerous concentrations or quantities of odor, dust, fly ash, gases, or fumes are emitted and no excessive vibration is caused.* The items listed under prohibited uses are intended as a guide and not a complete list. Wastewater must be of equal quality to that of the proposed receiving waters.

Amend Section XI: Overlay Zoning Districts, D. Multi-family Zone, Paragraph 1 Purpose, to read as follows: *The intent of this Section is to define the requirements related to the development of multi-family housing. The opportunity to construct multi-family housing must include considerations to prevent overutilizing of the land. The development plan must follow all applicable federal, state, and local laws with respect to such housing. Compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town must be ensured. The intent of this Section is to define the requirements related to the development of multi-family housing and prevent overcrowding of land while ensuring compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town.* Amend 2. General Standards, Amend paragraph k. as follows: “In order to minimize potential intrusion on neighboring land uses, the Planning Board shall require the installation of a ~~400~~ 50 foot *landscaped* buffer strip along the perimeter of the site.”

Amend Section XVIII Workforce Housing, Section A, Purpose, as follows: *The purpose of this section is as follows: 1. To encourage and provide for the development of affordable workforce housing; 2. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households; 3. To meet the goals related to affordable housing provisions set forth in the town’s Master Plan; and 4. To comply with the requirements of SB 342, an Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA 674:58-61).* ~~is to define the requirements related to the development of workforce housing in compliance with RSA 674:58-61 and to prevent the overcrowding of land while complying with all applicable state and federal laws with respect to such housing and at the same time, ensuring compliance with local planning standards, land use policies, good building design, and requirements for the health, safety, and general welfare of all the inhabitants of the Town.~~

Amend Section G, Workforce Housing General Requirements, by adding the following: *d. The Planning Board shall request additional information if, in their judgment, it is necessary to make a meaningful determination of affordability. And 2. Documentation to establish the economic viability of the proposal. At the Planning Board's discretion, the applicant shall be required to submit project cost estimates including land, development and construction costs; financing, profit, and sales costs; and other cost factors will shall be provided. The planning board shall request updates of these cost reports as the project progresses.* Amend Section I. Administration, Compliance and Monitoring, paragraph 2. by deleting the sentence: ~~Where workforce housing applicants propose a development of single family homes all provisions of the subdivision and site plan regulations shall apply.~~

Amend Section XX: Hollis Open Space Planned Development, Section 3. Purpose, as follows: by adding c. *Discourage the sprawling, land-consuming form of development usually resulting from conventional subdivision and h. Provide a variety of types of living spaces and environments.* Amend Section 4. Applicability and Procedures in a HOSPD as follows: A. Applicability: *To facilitate achievement of the goals of the Hollis Master Plan, all major subdivisions shall be presented to the Planning Board in accordance with the Hollis Open Space Planned Development (HOSPD) standards as specified in this section and in the Land Subdivision Regulations. In all cases it shall be assumed that a HOSPD plan is necessary to meet the goals and objectives of this section and of the Master Plan.* Amend Section 6. Workforce Housing Units/Owner Occupied, paragraph 1. Density: The maximum number of allowable dwelling units that could be developed under the provisions outlined in Section 5.a shall be determined following the standard practice for a Market Rate Housing development. Once the number of HOSPD lots has been determined and agreed to by the Planning Board then that lot figure may be increased by up to ~~40~~ 20% if it is shown that construction of workforce housing would otherwise not be economically viable. These additional lots shall be designated as workforce housing units/owner occupied. Amend paragraph 6 to read as follows: Workforce housing units shall contain no more than ~~three~~ two bedrooms.

### **March/2022**

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.~~

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

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: Manned Aircraft landings & take offs.

### **Approved by Petition**

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.

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.

### **March/2023**

Delete Section XXI Housing for Older Persons ordinance in its entirety. Amend VIII, Definitions, by deleting the term ~~Housing for Older Persons~~ & amend the definition of Subdivision by deleting the last sentence that references ~~Housing for Older Persons~~. Amend Section X Zoning Districts, A. (A&B) 2a.; E. Mobile Home-2 Zone, 1.7; G. R&A, 1.f.; and I. Town Center, 1.f.; b by deleting all reference to ~~Housing for Older Persons as a permitted use~~. Amend Section IX, General Provisions, I. Height Regulations, 4. Building Permits by deleting from the last sentence referencing ~~Older Persons~~ and Section O. Determination of Density for Condominium Developments by deleting "~~Housing for Older Persons development or any other type~~" from the second sentence.

Amend Section X: Zoning Districts, H. Rural Lands Zone, 5. Area Height Regulations for Permitted Uses, as follows: c. Minimum Front Yard Depth: ~~100 feet 50 feet (100 feet on Scenic Roads)~~. Add note: A Home or structure in existence as of March 14, 2023 shall be able to expand provided that, at a minimum, a 50-foot Front Yard Depth is adhered to.