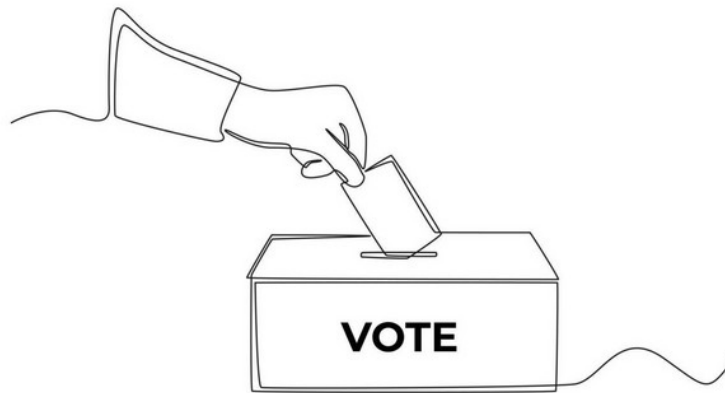


HollisWatch 2024 Zoning Recommendations

#	Description	Zoning Ballot Pg # and side	Recommendation
1	Add Cluster Development Density Restrictions	1 Front Side	Yes
2	Add Provision to Withhold Building Permits if a Violation Exists	1 Front Side	Yes
3	Limit Wetland Buffer Disturbances for Driveways and Roads	1 Front Side	Yes
4	Change the Definition of Temporary Structures by Reference to International Building Code	1 Back Side	Yes
5	Flood Plain Update Including the Term Base Flood Elevation	1 Back Side	Yes
6	Remove the Requirement for Abutters to Receive Notification and for the Board of Adjustment to Hear Applications for Some Rental Apartments	1 Back Side	NO
7	Allow Solar Installation Height to Increase from 10 ft. to 15 ft.	1 Back Side	Yes
8	Remove Language “encouraging” Income Limited Housing	2 Front Side	Yes

Amendments in bold text are opposed to the recommendations of the Planning Board

Amendment number (8) by petition is on a second zoning ballot. Be sure not to forget to mark this ballot



Tuesday, March 12 7 am to 7 pm
Lawrence Barn 28 Depot Rd.

[HollisWatch.com](https://www.holliswatch.com) Mission Statement

Hollis is a unique town which has been able to preserve its historic and agricultural roots for over 270 years. Hollis has a proven track record of land stewardship and conservation. Residents enjoy the tranquil respite the Town's open spaces provide. HollisWatch endeavors to preserve and protect the rural nature of Hollis. HollisWatch will serve to keep residents engaged and informed about matters which will impact the town we love.

Please support [HollisWatch.com](https://www.holliswatch.com) by visiting the website and signing up for our newsletter

Please Help Us Preserve Hollis

Fellow Residents of Hollis,



HollisWatch has been printing and mailing our voter guide for about 5 years. This process is costly and limits the detail we can provide to only a couple of pages. The voter guide addresses complex issues so residents can understand the implications of proposed changes. This year's guide explains the application of building codes as well some background info related to Flood Risk. Unfortunately we could not afford a town wide mailer this year. Please help us continue to provide the best information possible and to minimize our cost by allowing us to e-mail you the guide in the future. Visit HollisWatch.com to sign up for electronic distribution. We would be grateful for your thoughts about Hollis. E-mail us at HollisWatch@mail.com or call at 603-685-3394.

Regards,
Joseph Garruba

AMENDMENT (1)

Amend Section XX Hollis Open Space Planned Development, paragraph 5. DENSITY, DIMENSIONAL, OPEN SPACE AND HEALTH REQUIREMENTS IN A HOSPD,

Explanation: This amendment adds language indicating that density of cluster developments must adhere to all applicable Zoning Ordinance and Subdivision Regulation requirements, specifically calling out compliance with the project as a whole.

Recommendation: YES: Reason: Cluster developments will be held closer to the standard density of conventional developments. This will strengthen the town's position relating to density calculations for these developments.

AMENDMENT (2)

Amend Section ENFORCEMENT AND ADMINISTRATION by adding the following: *L. No building permit(s) shall be issued for a property with an outstanding Zoning, Site Plan Regulation, and/or Subdivision Regulation violation(s).*

Explanation: The purpose of this amendment is to prohibit the issuance of building permits when violations are present on a property.

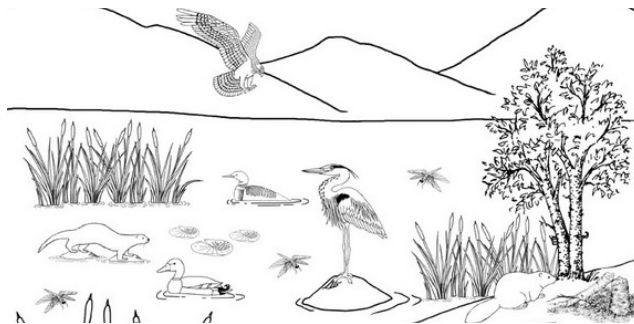
Recommendation: YES: Reason: Building Permits will be denied until and unless violations are addressed.

AMENDMENT (3)

Amend Section XI: *Overlay Zoning Districts, paragraph c. Wetland Conservation Overlay Zone (WCO), paragraph 6. Permitted Uses Within the Wetland Conservation Overlay Zone,*

Explanation: This amendment will require proposed subdivision roads and driveways to minimize impact to the wetland buffer.

Recommendation: YES: Reason: This will result in better protection for the wetland buffer zone by requiring a special exception for roadways which do not minimize impact to the wetland buffer.



AMENDMENT (4)

Amend Section VIII, Definitions, TEMPORARY STRUCTURE

Explanation: This amendment will impose the requirements of Section 3103 of the International Building Code (IBC) as the definition of a temporary structure.

Recommendation: YES: Reason: In our opinion, the proposed language is not perfect but on balance this amendment will be positive. This amendment will remove restrictions on temporary structures associated with single family homes which is positive but it since the language allows for the “currently adopted version” The definition can change without a vote of residents. In addition, the currently adopted version includes state level amendments. So to understand the implications one must consider all adopted amendments as well as the scope of the IBC.

The International Building Code states that it applies to to all buildings **except single family homes and their accessory structures. Section 101.2 below**

[A] 101.2 Scope. P

The provisions of this code shall apply to the construction, *alteration*, relocation, enlargement, replacement, *repair*, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family *dwelling*s and *townhouses* not more than three *stories* above *grade plane* in height with a separate *means of egress*, and their accessory structures not more than three *stories* above *grade plane* in height, shall comply with this code or the *International Residential Code*.

For the 2018 Building code adopted by the State, the following language was adopted

15) Amend Section 3103.1.2 as follows (BD-18-11-21):

3103.1.2 Permit required. Temporary structures that cover an area greater than 120 square feet (11.16 m²), including connecting areas or spaces with a common *means of egress* or entrance that are used or intended to be used for the gathering together of 10 or more persons, shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *building official*.

3103.1.2.1 Tents that cover an area of 400 square feet (37.2 m²) or greater, including connecting areas or spaces with a common *means of egress* or entrance that are used or intended to be occupied by people shall not be erected, operated or maintained for any purpose without obtaining a *permit* from the *building official*.

This will mean that for lots with primary structures which are not single family homes, tents that are less than 400 sq ft will not require a permit under the State of New Hampshire’s presently adopted amendment of the IBC (sec 3103.1.2.1 above)

Note: This permit requirement does NOT pertain to 1 and 2 family, owner occupied residential properties.

The language of the IBC and State amendments can be found at the links below.

<https://codes.iccsafe.org/content/IBC2018>

<https://www.firemarshal.dos.nh.gov/laws-rules-regulatory/boards-commissions-committees/board-fire-control/amendments-exhibits-board>

AMENDMENT (5)

Amend Section XI Overlay Zoning Districts, B. Floodplain Overlay Zone,
(language posted on town website)

https://www.hollisnh.org/sites/g/files/vyhlf3271/f/uploads/2024proposed_hollis_floodplain_regs_amendments_full_text.pdf

Explanation: Ordinance changes to comply with requirements of the National Flood Insurance Program.

Recommendation: YES: Reason: Amendment aligns language to newest flood risk maps.

The Federal Emergency Management Agency (FEMA) is currently undertaking a Risk MAP project to update flood risk maps across New Hampshire. The proposed ordinance changes relate to the Merrimack River Watershed project which has been underway for several years. This project will result in updated flood risk maps for 110 communities of which Hollis is one.

A Coordination meeting was held by FEMA in Dec 2022 Below is a slide from a presentation delivered explaining the process.

Responsibility each community has for preliminary Flood Insurance Rate Maps (FIRMs)

- Review your preliminary FIRMS and make corrections, comments, and appeals when appropriate
- Conduct outreach to those citizens affected by the changes on the FIRMs
- Adopt a new floodplain ordinance that meets the National Flood Insurance Program (NFIP) requirements



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It seems that the planning department should have conducted outreach to citizens who may be affected by the changes!

FEMA provides an online map viewer that residents can use to review the flood hazard maps at the link below. Changes to these maps could have a significant impact to a homeowner's insurance rates.

<https://fema.maps.arcgis.com/apps/webappviewer/index.html?id=e7a7dc3ebd7f4ad39bb8e485bb64ce44>

Based on a review on the proposed ordinance language, it seems that the most significant impacts from this process could result from changes to the maps, not this proposed amendment to our ordinance. HollisWatch recommends reviewing proposed map changes to see if your property may be affected.

For more information about the flood maps, please contact a FEMA Map Specialist by telephone at 1-877-FEMA-MAP (1-877-336-2627) or by email at: FEMAFMIX@fema.dhs.gov.

Below is an excerpt of the first page of a FEMA release describing the 90 day appeal period for Hillsborough County. Full document linked [here](#).

Public Invited to Appeal or Comment on Flood Maps in Hillsborough County, New Hampshire

Release Date: February 26, 2024

Preliminary flood risk information and updated Flood Insurance Rate Maps are available for review by residents and business owners in affected communities in Hillsborough County, New Hampshire. Residents and business owners are encouraged to review the latest information to learn about local flood risks and potential future flood insurance requirements.

The updated maps were produced in coordination with local, state and FEMA officials. Significant community review of the maps has already taken place. Before the maps become final, community stakeholders can raise questions or concerns about the information provided and participate in the 90-day appeal and comment periods.

The 90-day appeal and comment periods will begin on or around February 28, 2024. The affected communities in Hillsborough County, New Hampshire are listed in the Proposed Flood Hazard Determinations Notice in the Federal Register at the following website:

<https://www.federalregister.gov/documents/2024/01/29/2024-01625/proposed-flood-hazard-determinations>

Residents may submit an appeal if they think modeling or data used to create the map is technically or scientifically incorrect.

AMENDMENT (6)

Amend Section IX: General Provisions, K. Accessory Dwelling Unit, 1.

Explanation: This Amendment allows Accessory Dwelling Units (**rental apartments**) to be added without requiring notice to abutters or a Zoning Board of Adjustment Special Exception.

Recommendation: NO: Reason: Accessory Dwelling Units are not restricted from being rented separately. The term in-law apartments is not accurate and it tends to mislead voters about the allowable uses for such an apartment. A better moniker might be rental apartments. Presently applications for these additional dwelling units must be approved by the ZBA. That means that neighbors are noticed of the proposed change and can verify the details of a potential project by reviewing plans. The current process also allows abutters and residents to voice their concerns at a public hearing.

In order for a special exception to be granted, applicants currently must meet Section IX,K,3 of the Zoning Ordinance. The proposed amendment does not strike this conflicting language so if this amendment passes, the zoning ordinance will have unrectifiable references. It seems that the planning board failed to address this language with the text of their amendment. Even if one favored loosening restrictions on ADU, it is not advisable to vote in favor of this flawed amendment which, if passes will create incongruent language in the ordinance

Section IX,K,3 of the Zoning Ordinance below (Bold emphasis added)

*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.*

Presently residents are afforded due process by having access to appeal to the approvals of these potential rentals. If this amendment passes, It is possible that neighbors may not even be aware that rentals are being added to abutting properties. By not being notified, they would not be aware of, or be able to exercise the appeal process.

AMENDMENT (7)

Amend Section XXVI: Solar Energy Systems, Section E1. Height as follows: The maximum height of any ground mounted Solar Energy System shall be ~~10~~ **15** feet off the ground.

Explanation: This Amendment allows will allow ground mounted solar systems to have a maximum height of 15 ft instead of 10ft.

Recommendation: YES: Reason: Installations will still be required to meet the screening requirements of the Rural Character section of the ordinance

AMENDMENT (8)

Amend Section XVIII: WORKFORCE HOUSING

Explanation: This amendment is intended to protect water and natural resources and to clarify the purpose of section XVIII of the ordinance. The amendment also requires that restrictions related to environmental and natural resource protection be observed strictly and requires project cost estimates to ensure that density is limited to what is required by state statute.

Recommendation: YES Reason: The purpose section of ordinances is particularly important since if an appeal is made, the board to which the appeal is heard by will likely need to consider the intent of the ordinance. If this amendment does not pass, considering the way the purpose section is presently written, it is much more likely that if our town denies an overly dense means tested housing project, the denial will be overturned. Ordinances are intended to be restrictions on development, not “encouragement” for development as the planning board’s existing language indicates. **Why would the Planning Board have written the purpose section of the ordinance in such a way to “encourage” development of means tested housing?**



REFERENCES

Link to ballot language posted on Town of Hollis Website.

<https://www.hollisnh.org/home/news/proposed-2024-zoning-amendments>

The communication in this guide represents the position of HollisWatch and of the authors alone. It does not represent positions of any other board, committee or commission.