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Re: Planning board's Proposed amendment of the Housing for Older Persons section of the Zoning Ordinance

To: Members of the Planning board

Problems with the Planning Board's proposed zoning amendment for 2021, **Amendment (2), Article XXI: Housing for Older Persons** are described below. The Planning Board has proposed this amendment in response to citizen pushback on prior relaxation of this section. Unfortunately, the proposal does not go far enough to protect Hollis's rural character and is still less restrictive than the original ordinance that was replaced in 2017. The Planning Board's proposed language is included below for reference.

Planning Board's Proposed amendment of section XXI: Housing For Older Persons in Hollis Zoning Ordinance.

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% to 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.~~

Listed below are the concerns with the Planning Board's proposed 2021 amendment.

1. **General Standards a.** The changes the Planning Board proposes do not restrict density for single bedroom units. Note the wording change from "~~two~~" to "**one**" **2-bedroom** dwelling, but there is no similar density restriction for 1-bedroom dwelling units. In effect, this newly proposed language will still allow these units to be built at 4 times the density of single family homes. The proposed change, therefore, provides no meaningful restriction on the density of development. The language should also restrict **1-bedroom** dwelling units to **one** per net tract acre.

It seems that this is an oversight as I suspect that the intent was to restrict the overall unit density, not just 2 bedroom units. I recommend the language below as a replacement since it will restore the restrictions that the town relied upon until 2017.

Dwelling unit density shall not be greater than ~~one-two (1 2)~~ two-bedroom dwelling units or ~~one two (12)~~ one-bedroom dwelling units/net tract acre..".

2. **Article XXI, paragraph 3, MAXIMUM PERMITTED DWELLING UNITS** The Planning Board proposes to change the wording to "10% of the total number of dwelling units existing in town" from twenty-five percent (25%) of the total dwelling units existing in the Town for the previous year." This modification would actually allow the approval of 299 units in one year or an alarming 10% increase each year. We already have 2,995 housing units in Hollis. A maximum increase of **3%** is much more reasonable. Considering the negative impacts on traffic, services, rural character etc. Why would we allow so many units to be approved in a single year? Allowing 300 units to be approved in a year will not provide for controlled growth of services and will result in a loss of quality of life for our residents.

3. **Purpose Statement** The Housing For Older Person's ordinance currently has a poorly worded purpose statement. This is a vitally important section of the ordinance, since it is used by the courts and ZBA to determine challenges to our ordinance and to decide upon variance applications. The present language is not a restriction at all, but it is an encouragement. This language stands in direct opposition to the concept of an ordinance, which is the town's tool to restrict development. The language currently in force in our ordinance is provided below. Bold font added for emphasis.

*PURPOSE: The regulations in this section have been established **for the purpose of encouraging the construction of housing for older persons. The intent is to provide for such 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 the requirements for the health, safety, and general welfare of all the inhabitants of the Town.*

It seems as if the current language was written to facilitate developer's requests for variances and waivers or to provide support for their legal challenges. The town ordinance should represent the direct will of the voters—to preserve rural population density. In order to strongly defend the desires of voters and to minimize deviations from the zoning ordinance, I recommend the edits below, which will serve to discourage waivers, variances and legal challenges. There appears to be no reason to keep the poorly worded present language.

*A. **PURPOSE:** The regulations in this section have been established for the purpose of ~~encouraging the construction of housing for older persons. The intent is to provide for such 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,~~ **preventing the overcrowding of land, and** ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety, and general welfare of all the inhabitants of the Town.*

I am glad to see that the planning board has decided to amend the HFOP ordinance, but without the changes that I proposed above, the amendment will fall far short of the protections that the town enjoyed prior to 2017. Since the relaxation of this ordinance the town has experienced a boom in development of retirement housing that is damaging the rural character of our town and causing increased traffic, and strains on our resources. I hope you can agree to restore the prior restrictions that are responsible for the unique characteristics of our town. Board Members are not prohibited from discussing ordinance changes with the public as they are restricted from discussing applications before the board so please feel free to call or e-mail and we can discuss the matter in more detail

Regards,

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