

2023 HollisWatch Zoning Amendment Voter's Guide



Vote Tues. March 28 at the Barn

#	Zoning Amendment	Recommended Vote
1	Removal of Wetland Conservation Overlay Protections Front Side of Zoning Ballot 1	NO
2	Delete Reference to Unimproved Lots in Wetland Conservation Overlay Zone Front Side of Zoning Ballot 1	NO
3	Planning Board Proposal to Remove High Density Development Section XXI from the Ordinance Front Side of Zoning Ballot 1	YES
4	Increase Front Setback in Rural Lands Zone Front Side of Zoning Ballot 1	HollisWatch does not take a position
5	Changes to Sign Ordinance not Documented on the Ballot Front Side of Zoning Ballot 1	NO
6	Safe Road Construction Back Side of Zoning Ballot 1	YES
7	HollisWatch Proposal to Remove High Density Development Section XXI from the Ordinance Back Side of Zoning Ballot 2	YES

Select Board Race: Vote for JOE GARRUBA

I hope my efforts protecting Hollis's rural character over the last several years have earned your vote.

If you want to preserve Hollis's rural character and you do not have strong opinions of the other Select Board candidates I recommend that you make a single vote only for me as your next Selectman. I will be sure to promote the preservation of Hollis's rural character as a priority of the Select Board.

Selectman for Three Year Term (Vote for ~~TWO~~ *one*)

SUSAN BENZ	<input type="checkbox"/>
JOE GARRUBA	<input checked="" type="checkbox"/>
CARRYL ROY	<input type="checkbox"/>
SPENCER STICKNEY	<input type="checkbox"/>
DAVID "DAVE" SULLIVAN	<input type="checkbox"/>

You may want to detach this page to bring to the polls.

Vote for Joe Garruba for Select Board

You may know, I am the founder of HollisWatch, this local community organization dedicated to preserving the rural characteristics of the town we cherish. Over the years I have worked together with passionate Hollis residents to pass zoning ordinances that protect our town from high density development. I have worked to ensure that developers follow our ordinances. As I look at these accomplishments, I am proud of HollisWatch and its many volunteers for the strides we have made. I know I can be more effective if I am elected to the Select Board

Furthermore, I am a strong advocate of local governance. The ability of Hollis residents to make decisions directly at Town and special meetings is the strength of New Hampshire's participatory democracy. I intend to make sure that the voice of Hollis residents is what drives decisions, not the interests of developers or special interests.

Additionally, I strongly support transparency in governance. Transparency is the only way to build trust, and unfortunately, this trust has been taken for granted. It is my intent to promote openness when conducting town government business so all residents can observe, understand, and participate in the decisions made.

If elected I will–

1. **Promote Conservation of Our Land and, Thereby, Water Resources.**

Water is one of Hollis's most precious resources. Our homes and agricultural heritage depend on it. Low density development and land conservation is our best means to preserve our water supply for future generations.

2. **Keep Hollis Affordable for Our Residents.**

Minimizing expansions of our town staff. In addition to minimizing the density of development in our town, I will help avoid costly expansions of schools, town facilities, and budgets. We already see this year that the fire chief needs more staff to handle the calls generated by the development boom of the last few years.

3. **Represent Residents in Town Government.**

Town committee and land use board members should represent the views of our community. I will recruit and promote appointments of residents who support the values stated above.

4. **Advocate for the Town's Interests at the State Level.**

State politics has been moving to remove and reduce local control, particularly of land use. I will advocate that Hollis exercise influence through the New Hampshire Municipal Association to lobby at the state level for increased local control.

5. **Promote Transparency and Participation in Our Town Government**

I will advocate for earlier publication of agendas and posting of board information packets, along with ensuring strict adherence to the NH Right to Know statute.

It would be my great honor to serve as your Selectman. I am driven to service by a desire to make positive contributions to our town. I understand that the benefits we enjoy as residents are the result of the hard work and sacrifice of those who came before us. I want to put my talents to best use by providing leadership for Hollis. You can review my work at the HollisWatch.com website. There, you will find much more information about this year's zoning amendments and the work that HollisWatch has done to protect our town.

I hope my efforts over the last several years have earned your vote. If you agree with my positions and do not have strong opinions of the other candidates, I recommend that you vote only for me as your next Selectman. I will be sure to promote the preservation of Hollis's rural character as a priority of the Select Board.

Regards,
Joseph Garruba

jm002@garruba.com

603-685-3394

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Page 2 of 8

Amendment (1) Removal of Wetland Conservation Overlay Protections

Planning Board's ballot language does not include strikethrough text for language to be deleted:

Amend Zoning Ordinance as follows: Delete the following Section XI, Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, Article 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. Amend Article 7 Special Exception in the Wetlands Conservation Overlay Zone, b(i) hydrological calculations based on drainage requirements in accordance with the Hollis Subdivision Regulations. Section XI.C.4.b. of this Ordinance. Delete Section XV Hollis Rural Character Ordinance, F. Design Standards, 6. Erosion Control, paragraph a. 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.

Explanation: It seems that this language is recorded on the ballot in a way that is confusing to voters and might lead them to believe that the text of Section XI, Overlay Zoning Districts, C. **Wetland Conservation Overlay Zone**, Article 5. Drainage: will remain in the ordinance. Yet, the language actually removes those sections from our ordinance. Why was the ballot printed without strikethrough text in this section? Why was strikethrough text used for other items to be removed. I believe proper text for this ballot question should have included strikethrough, as shown in red italics below. Voters should clearly understand that, if this amendment passes, **all of these wetland protections will be removed** from our ordinance. Why did the Planning Department put forth this amendment in such a confusing way?

It appears that the amendment should have been printed as below, so residents would know that the items in red italics will be deleted from the ordinance if this amendment passes:

Amend Zoning Ordinance as follows: Delete the following Section XI, Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, Article 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.* Amend Article 7 Special Exception in the 'Wetlands Conservation Overlay Zone, b(i) hydrological calculations based on drainage requirements in accordance with the Hollis Subdivision Regulations. Section XI.C.4.b. of this Ordinance. Delete Section XV Hollis Rural Character Ordinance, F. Design Standards, 6. Erosion Control, paragraph a. 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./1 of the Hollis Zoning Ordinance which requires that there be no net increase in pea[^]Hew 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 abutters property

Amendment (1) Removal of Wetland Conservation Overlay Protections Continued

The Planning Board has proposed replacing the protections we have relied on for years with restrictions to be implemented in subdivision regulations. Yet so far, they have only provided a draft of the proposed regulations, leaving voters with uncertainty regarding final language to be adopted. Below are six additional reasons to vote NO for Zoning Amendment (1):

1. Exceptions from regulations are easier than from ordinances.

If this amendment passes, the unelected Planning Board will be able to issue waivers for the protections which currently require a variance from the Zoning Board of Adjustment.

2. Removing requirements from the ordinance disenfranchises voters.

Only the unelected Planning Board members may vote on subdivision regulations. By leaving these restrictions in the Zoning Ordinance, all residents vote on their repeal or amendment.

3. The subdivision regulations can be changed without holding a town vote.

The unelected Planning Board will be able to change the subdivision regulations by a simple majority vote of its membership.

4. Hollis is a beautiful town, and our present regulations have made it so.

Hollis's existing ordinance, which provides strong protections for drainage on site, is the proper way for our rural town to address stormwater. Stormwater that leaves the site or is allowed into the wetland conservation zone becomes a problem for the environment, abutters, and the town.

5. Reducing stormwater requirements shifts costs from developers to the town.

Our present ordinance requires that stormwater be treated on site. Designing stormwater protections to accommodate significant storm events is a good way of insuring this. If maintenance is a concern, a maintenance agreement should be negotiated prior to approvals.

6. The purpose of the current ordinance is to protect the town, not to enable and simplify development.

Consider the issues above. In particular, note the confusing lack of strikethrough text in some wetland protection sections that are proposed to be deleted, while other language to be deleted is shown in strikethrough. This amendment just does not hold up to scrutiny.

Recommendation: Vote **NO** for Zoning Amendment (1).

Amendment (2) Delete Reference to Unimproved Lots in Wetland Conservation Overlay Zone

Amend Section XI Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, 3. Jurisdiction, c. Existing Lots: as follows - This ordinance shall not prohibit the construction of principal and accessory structures on ~~an unimproved~~ a 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:..."

Explanation: This amendment will require that both improved and unimproved existing lots are treated the same with regard to construction on lots of record in existence prior to the adoption of the Wetland Ordinance. This means that the amendment would **remove protections of the Wetland Conservation Overlay Zone currently applied to improved lots that legally existed before March 11, 1997**. The Planning Board cited a recent case at 88 Runnels Bridge Road to construct a convenience store in the wetland buffer. The current ordinance requires that the applicant get approval from the Zoning Board of Adjustment (ZBA) before disturbing the wetland buffer. It seems that lowering the bar for exceptions is a common theme in the Planning Board's proposals. The present language of the ordinance provides more protection for our town's wetlands **and has been in place since 1997**. What is the justification to relax it now? If exceptions are needed, appeal to the ZBA is available. The current process has successfully protected our wetland resources for 26 years.

Recommendation: Vote **NO** for Zoning Amendment (2).

Amendment (3) Planning Board Proposal to Remove High Density Development Section XXI From the Ordinance

Delete Section XXI Housing for Older Persons ordinance in its entirety.
Full ballot language available at [HollisWatch.com](https://www.holliswatch.com).

Explanation: This proposal will eliminate Housing for Older Persons (HFOP) developments as an allowed use. At this time, three projects have been constructed totaling 156 units. The Planning Board believes this amount of units is sufficient to address town needs.

Passage of this amendment is critical to our town:

1. The demand for services from high density means-tested developments is much greater than that for retirement communities. A new state statute passed in 2022 does not take this into account. It would therefore, allow developments that impose intensive demands for services in a way that the town never intended when the current HFOP Ordinance was passed.
2. The town already has three elderly housing developments and another 40-unit development is proposed north of Truell Rd. In fact, the developer sued the town in order to build these units at nearly twice the density that the town voted to allow.
3. Units of this type, for example those on Cobbett Lane, are listed for prices above \$700K. The intent of the Housing For Older Persons Ordinance was to assist Hollis residents downsize and stay in town. The present ordinance does not achieve this. Please vote in favor of this amendment to protect the interest of Hollis residents.
4. There are already water problems with local high density retirement developments. Water is a critical resource for this town. It is important that we pass this amendment to protect our town's resources.

The Planning Board is correct to recommend this amendment, which removes section XXI from our ordinance. Without knowing if the Planning Board would move forward with this amendment, HollisWatch proposed a similar amendment eliminating Section XXI. This action ensured that the question would be presented to voters (see Amendment 7 on page 8)

Recommendation: Vote **YES** on Amendment (3) as well as Amendment (7).

Amendment (4) Increase Front Setback in Rural Lands Zone

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)~~. **(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.**

Explanation: Minimum front yard setback shall increase from 50 to 100 feet for all new homes. Existing homes and structures will be able to expand, provided the structures meet a 50-foot setback requirement.

The Planning Board noted during public hearing that this amendment will have limited impact, since most roads in the rural zone are already designated as scenic, and thus, already include 100-foot setbacks. HollisWatch notes that this change will not affect density of development resource usage or demand for services, and it does not seem to dramatically improve rural character.

Recommendation: HollisWatch does not take a position on this amendment. It seems to have minimal impact.

Amendment (5) Changes to Sign Ordinance Not Documented on the Ballot

Amend Section XIV Sign Ordinance to adhere to US Supreme Court ruling requiring content neutral regulations, the language on a sign cannot be regulated. Changes are proposed to Sections: B. Definitions, C. Administration, H. Prohibited Signs, I. Event Specific Signs, Real Estate Signs, J. Illumination Standards, L. Exemptions, M. Residential and Subdivision Signs, N. Agriculture Signs, and P. Business and Industrial Signs.

Explanation: The Planning Board indicated that changes are needed to comply with a U.S. Supreme Court Case. It is troubling that the Planning Board would propose an amendment without identifying the language of the proposed change specifically on the ballot. The ballot language does not even reference any controlled document. Since there is no reference to specific language printed on the ballot, a voter cannot be certain what language would be enacted. This is like a blank check allowing the ordinance to be changed in an unspecified way. The Planning Board did provide a link to potential language in the notice for public hearing, but that document is not titled, dated, or referenced in any way on the ballot. Voters should not approve this amendment without a clear traceable link to what language would be enacted. HollisWatch recommends that the Planning Board rewrite this amendment for 2024 with the proposed changes printed on the ballot or referenced specifically. Voters in Hollis deserve to know what ordinance language will be implemented if an amendment were to pass. Exact language should be clearly expressed on the ballot, or a traceable reference should be included.

Recommendation: Vote **NO** for Amendment (5).



Remember to Vote on Tuesday, March 28th
at the Lawrence Barn from 7 am to 7 pm

Amendment (6) Safe Road Construction

This amendment is intended to require that dead end roads are constructed with cul-de-sacs. It also provides design standards and limits the Planning Board's authority to grant waivers.

Full ballot language available at HollisWatch.com.

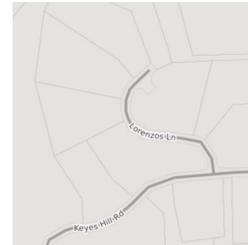
Terminology

Cul-de-sac



Swallow Drive

Hammerhead



Lorenzos Lane

Explanation: This amendment includes safety and aesthetic requirements for dead end road construction.

Problems with Hammerheads:

1. They are dangerous. Consider a delivery truck driver or snowplow driver reversing a large vehicle in a residential neighborhood. Situations like that are hazardous and can be avoided easily by designing subdivision roads with cul-de-sacs.
2. According to www.KidsAndCars.org, "In the U.S. 50 children are backed over EVERY WEEK because a driver could not see them."
3. Hammerheads do not provide vegetated screening for houses near the end of the road.

Cul-de-sacs address all of these problems.

The visual appeal of a cul-de-sac with a center of trees provides a fitting view as one drives down the street. The vegetation hides the houses from the roadway traffic. Vehicles can safely drive forward when leaving developments built with cul-de-sacs.

The dimensional requirements proposed by Amendment (6) are the same as those in the current subdivision regulations. In fact, in the past, the Planning Board has required dead end roads with these specifications. Baldwin Lane and Springvale Drive are examples. Why has the Planning Board allowed hammerheads on many dead end roads recently? Whose interest is served by this? If Amendment (6) passes, it will prevent the Planning Board from waiving this critical safety requirement.

Recommendation: Vote **YES** for Amendment (6)

Amendment (7) Remove High Density Development Section XXI from the Zoning Ordinance

Delete Section XXI Housing for Older Persons ordinance in its entirety.

Full ballot language available at HollisWatch.com

Explanation: This proposal will eliminate Housing For Older Persons developments as an allowed use. At this time, three of this type of project have been constructed in town totaling 156 units. HollisWatch believes this amount of units is sufficient to address town needs. Development of additional, high density projects will strain our resources and budgets, along with degrading our rural landscapes.

The state government decided to conflate two different types of high density developments, retirement communities and means-tested housing projects.

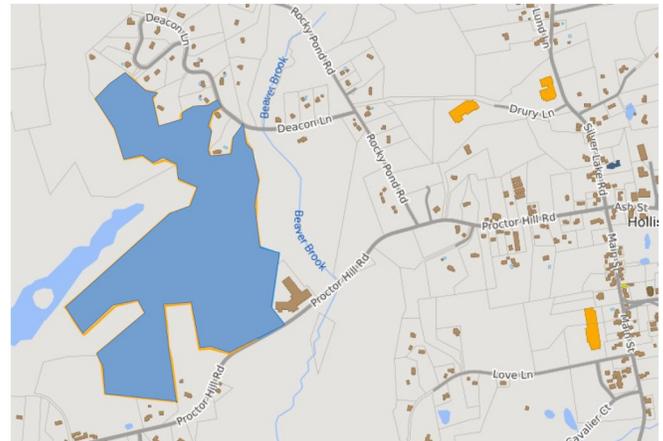
The state passed HB1661 in 2022 which states, "Beginning July 1, 2023, incentives established for housing for older persons shall be deemed applicable to workforce housing development."

The demand on school budgets, town services, and natural resources from high density means tested developments is much greater than that for retirement communities. The new state statute does not take this into account. Therefore, if voters do not pass Amendment (7), developments that impose intensive demands for resources and services will be allowed beginning in July. These high density developments were not considered when the current retirement community ordinance (Section XXI) was passed.

Making the passage of this amendment more urgent is the fact that 132 Acres of land just West of Rocky Pond Road was purchased by a local developer.

Based on the state's passage of HB1661, it is possible that development of this land as high density means-tested housing could begin in July if we do not pass Zoning Amendments (3) and (7) to conserve our town.

These amendments represent a unique opportunity for Hollis residents to exercise direct control over the manner of development for this land.



132 Acres Just West of Rocky Pond Road

HollisWatch proposed this amendment recommending the removal section XXI from our ordinance to be sure voters get the chance to decide this critical issue for the future of our town. The Planning Board proposed a similar amendment removing Sec XXI from our ordinance. (See Amendment 3 on page 5.) **Zoning amendments (3) and (7) are likely the most important questions on the ballot this year.** If they do not pass, it is possible that rapid development will commence using state grants and incentives to build out our town with high density housing.

Recommendation: Vote **YES** on Amendment (3) as well as Amendment (7).