

32 unit High Density Housing Complex at Old Runnels Bridge Road

Zoning Ordinance and Subdivision Regulation Concerns

By Joseph Garruba

A review of the updated site plan for the proposed housing development dated 6 May 2019 for 32 residential units on a new subdivision on Old Runnels Bridge road has revealed many areas of concern. There are several areas of non-compliance with the town of Hollis subdivision regulations and zoning ordinances. Each item is enumerated below and recommendations follow in italics as they relate to each one.

1. The density calculation on the 6 May site plan is incorrect. Per Our Zoning Ordinance Sec VII definitions, net tract area does not include surface waters.

5. THE PROJECT DENSITY HAS BEEN CALCULATED TO BE AS FOLLOWS:
TOTAL PROPOSED LOT SIZE = 8.896 ACRES
MINUS AREA IN RECREATIONAL ZONE = 0.824 ACRES
TOTAL AREA IN RA ZONE = 8.072 ACRES
TOTAL NET TRACT AREA = 8.072 AC SINCE THE PONDS ON SITE ARE
MANMADE AND COULD BE REMOVED.
PROJECT DENSITY = 8.072 ACRES x 4 UNITS/ACRE = 32.29 UNITS
PROPOSED IS 32 UNITS.

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

Per Hollis Zoning Ordinance Sec X,D,2,A the calculation of density requires the use of the net tract area.

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.

A proper density calculation would be the area in the R&A zone (8.072) – area of the northern pond (aprox. .5 acres) = 7.572 acres of net tract area. This works out to be a maximum density of 30.288 units

The applicants claim that the pond is man-made has no bearing on the calculation of net tract area as can be seen from the citations provided.

The planning board should request that the applicant calculate the project density as specified in the zoning ordinances cited, this may require removing a residential unit or two, but it is the board's responsibility to see that the ordinance is being followed.

2. Per the Hollis Subdivision regulation, Open Space Requirement IV.6 B, this subdivision requires that the applicant set aside at least 2 acres of land for recreational use as a park or playground. Since the applicant has proposed 32 housing units, our regulation requires 1 acre of land for each 16 units. This imposes a requirement that 2 acres be devoted to a buildable park or playground. The submitted site plan shows a recreation area but it is not large enough to satisfy the requirement and its boundaries are not defined so it cannot be evaluated.



Recreation area is not clearly delineated and does not include the required area

SECTION IV.6. OPEN SPACE REQUIREMENTS

- A. In designing a subdivision, the subdivider shall show due regard for all natural features such as large trees, water courses, scenic points, historic spots and other community assets which, if preserved, will enhance the value of the subdivision and enrich the neighborhood.
- B. One suitably located, buildable area shall be set aside as a park or playground equal to one (1) acre for every sixteen (16) house lots or major portion thereof, or five percent (5%) of the total area subdivided, whichever is larger. Area set aside for parks and playgrounds shall be dedicated to public use or reserved for the common use of all property owners in the subdivision by covenant in the deed. Whenever such dedication of land is required, the land shall be left in natural state, clear of construction debris. The Planning Board may consult with the Recreation and Conservation Commissions as to the suitability of proposed park or playground areas.

The definition of a subdivision per our subdivision regulations includes the creation of a condominium which is land held in common and divided into parts among several owners. The definition is attached below and is written to define condominium ownership as a subdivision.

- N. **SUBDIVISION** shall mean the division of the lot, tract or parcel of land into two (2) or more lots, plats sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes resubdivision, 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 several owners shall be deemed subdivision under this regulation.

The definition of a subdivision per the Hollis Zoning Ordinance is quoted below for reference.

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 resubdivision 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 be deemed a subdivision.

Board Members should require the applicant submit plans that meet the requirements of town regulations. The town is chronically short on recreation areas and the intent of the ordinance is to ensure that the children that live in the proposed development have a safe convenient place to play. It is projected that this development will house many school age children. Why would the board allow the development to proceed with a substandard recreation area for these children?

3. Hollis subdivision regulation applies to the creation of both public and private roads which is stated in Sec IV.1

SECTION IV. GENERAL REQUIREMENTS FOR LAND SUBDIVISION

SECTION IV.7. ROAD and DRIVEWAY DESIGN STANDARDS

1. The purpose of these standards is to ensure safe vehicular and pedestrian travel on streets, whether public or private. Proper design requires the integration of safe roadway layout and grade with minimization of

Since the private roads proposed by the applicant must meet the standards of our regulation, they must include a turnaround at closed ends. The regulation requires this in sec iv.7 B

B. Hammerheads and Cul-de-sacs

1. The maximum length of a cul-de-sac (dead-end road) shall be no greater than fifteen hundred linear feet (1,500) as measured from the right-of-way of an adjoining through street to the top of the radius point of the cul-de-sac. The maximum length shall be measured along the center line of the proposed road to the furthest point on the street(s), including cascading cul-de-sacs. Cul-de-sacs shall only be extended if the street connects with a planned or existing through street. Roads must be provided with a turnaround at the closed end. Roads with a hammerhead shall include a two (2) leg minimum with each leg of the hammerhead measuring at least fifty-five (55) feet of driving surface. The turnaround or cul-de-sac must meet the following minimum dimension:



There are 2 dead end roads in the proposal, both of which require a turnaround. The first is located at the western edge of the property near the newly proposed lot line and the second is at the northern end of the property where a gate is obstructing access to Old Runnells Bridge road.

Board members should require the applicant to submit plans that are compliant with the town regulations. The intent of the town subdivision regulation is to ensure safe travel on the streets in the town. It is necessary to get delivery and moving trucks as well as emergency vehicles into and out of the development. Forcing those vehicles to reverse for long distances is a life safety hazard for the residents in that development since they would be at great risk of not being seen by the drivers of these vehicles. I can see no reason that would justify the board's approval of this non-compliant street layout.

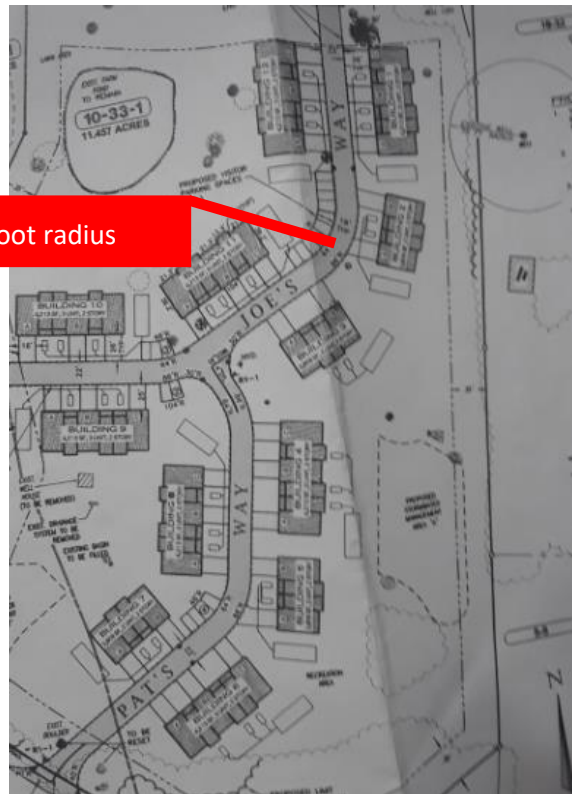
4. Per Sec IV.7 of the town’s subdivision regulations, the Minimum Road Radii are to be dimensioned to the centerline of the road and to be no less than 125 feet. The submitted plan shows several radii which are tighter than 125 feet and none of the curves are properly dimensioned to the centerline of the road.

*TOWN OF HOLLIS, NH
SUBDIVISION REGULATIONS*

- 1) **Roadways shall be constructed in accordance with the following table:**

TABLE OF GEOMETRIC AND OTHER STANDARDS

1.	Minimum right-of-way	50’*
2.	Centerline of right-of-way to be centerline of road	
3.	Minimum width of gravel (bank run + crushed)	28’
4.	Minimum width of pavement	22’
5.	Minimum road grade	0.5%
6.	Maximum road grade	8%
7.	Maximum grade 100’ from intersection	3%
8.	Angle of intersection	60-90 degrees
9.	Minimum centerline radii on curves	125’
10.	Minimum gravel base depth	16”
11.	Minimum crushed gravel base	6”
12.	Minimum bituminous paving	4”
	Base or binder course	2½”
	Finish or wearing course	1½”



75 foot radius

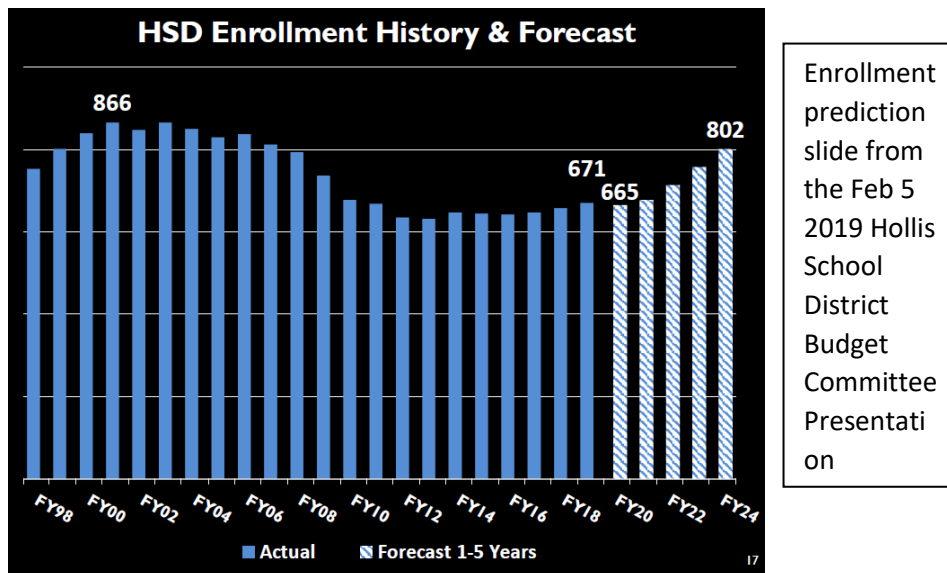
The plans above show four radii which do not comply with the town’s regulations. These curves are called out with red lines.

Board members should require the applicant to submit plans that are compliant with the town regulations. The intent of the town subdivision regulation is to ensure safe travel on the streets in the town. The minimum radii have been chosen to provide for safe operation of delivery and moving trucks as well as emergency vehicles. Tight radius turns are difficult for long wheelbase vehicles to navigate and are a life safety hazard since these vehicles will tend to cut over the inside corners on tight turns. I can see no reason that would justify the board’s approval of the non-compliant roads proposed.

5. Per sec IV.1 Sec F, the board has the authority to require the studies quoted below. So far, the board has requested a traffic study as well as a Wildlife Habitat Inventory and Assessment. For a development of this size it is imperative that the board request the additional studies below since there are likely to be considerable impacts to the environment, views and finances of the town.

F. **ADDITIONAL STUDIES:** For major subdivisions, the Planning Board may require, as part of the subdivision application, the submittal of studies to address specific site related impacts. The required studies may include, but not necessarily be limited to:

- a. **Environmental Hazard Analysis:** An environmental impact assessment (EIA) is an assessment of the possible impact, positive or negative, that a proposed project may have on the natural environment. It is the process of identifying, predicting, evaluating and mitigating the biophysical, social, and other relevant effects of development proposals prior to major decisions being taken and commitments made.
- e. **Fiscal Impact:** Provide information pertaining to the fiscal ramifications of a proposed development project, including projected revenues and expenditures (town & school). For residential developments, include projected school enrollments, along with a projected time frame of when these students will enter the school system. As a reference document, housing unit school age multipliers detailed in "Housing and School Enrollment in NH: An Expanded View, May/2005", or as amended, prepared for NHHFA and prepared by AER, Laconia, NH, or the most up-to-date resource available for such data shall be used to project anticipated school enrollment impacts. An alternative data source may only be used with prior approval from the Planning Board. In addition, the fiscal report should detail the Town's current school capacity. Existing and past enrollment trends shall be analyzed to gauge the ability of the existing facilities to accommodate future enrollments anticipated from the proposed project.
- f. **Visual Impact:** A visual impact study shall be submitted for review during the application process. The visual impact study is a tool to assist the Planning Board and others to see what the proposed development will look like, usually at its entrance. Except when directed otherwise, all designed features of the proposed development that are visible from one or more points on the adjacent public way are to be realistically rendered in perspective view. These features include, but are not limited to:



The board should request the additional studies as described above. It is the planning board's purpose to evaluate the effects of a proposed development and ultimately approve or disapprove the applications. In a case such as this where 32 units are proposed the board needs to have all of the information available to make informed decisions on the application on behalf of the town's residents. I can see no reason not to request this information. Why would the board wish to make decisions without all of the facts available? We know that school enrollments are already projected to rise over the next 5 years. Why would we as a town choose to proceed through the approval process without considering the fiscal impact of this development?

6. Even though Multifamily Housing has been exempted from the impervious surface requirements of the Aquifer Protection Overlay zone (*I can't understand why?*), this project must still meet the less stringent requirements of the Residential Agricultural zone which allow no more than 25% impermeable surface. The development is subject to General Section IX, F Impermeable surfaces as cited below.

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.

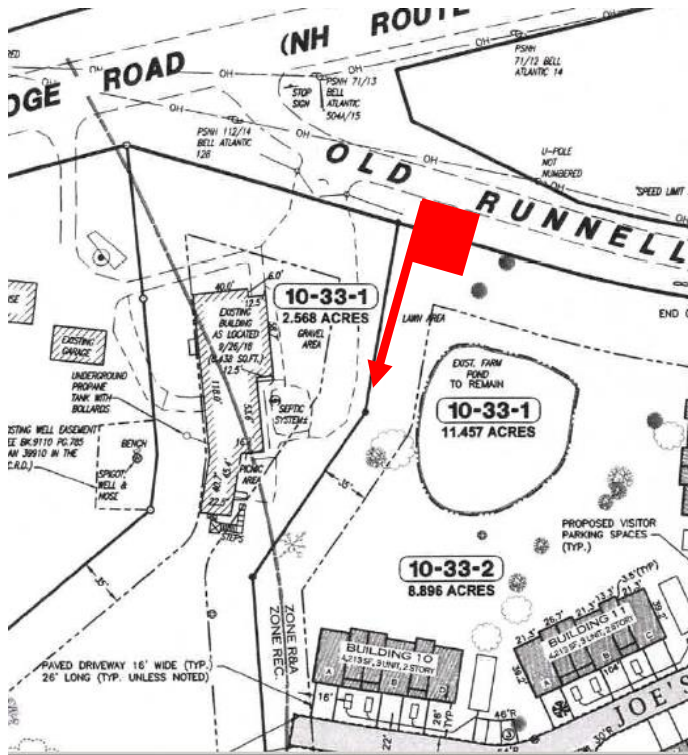
1. Impermeable surfaces may cover no more than the following percentages of a lot in the indicated district:
 - a. Industrial (I) and Commercial (C): 60%
 - b. Agriculture & Business (A&B): 50%
2. Buildings may cover no more than the following percentages of a lot in the indicated district:
 - a. Industrial (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%.**

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Presently it does not appear that the proposal is in compliance with this requirement. The site plan drawing of 6 May does not provide areas or calculations to support this.

The board should request that the applicant provide evidence of a compliant design with a notation on the site plan. Since it presently seems that the ratio of impervious surface is greater than 25% in the residential agricultural zone, the board should request that the applicant reduce the impervious area to bring the proposal into compliance, this may require removing a residential unit or two.

7. Per the Hollis Subdivision regulation the Design Requirements Sec IV.2 states that the new lot line creating lot number 10-33-2 shall be perpendicular to the street lines where they intersect and shall extend at least 100 feet before deviating from perpendicular. The plan set submitted does not meet the angular requirement where the lot line intersects with South Depot Road and the segments of lot line are not dimensioned so it is unclear if it is in compliance with regards to the lot line lengths. In addition there is no dimension on the angles of the lot line intersections with the road so it cannot be determined if these intersections are in compliance.



Red Square and arrow show a compliant 90 degree intersection

SECTION IV.2. DESIGN REQUIREMENTS

G. Property lines shall be perpendicular to street line one hundred (100) feet back from the street.

Board members should require the applicant to submit plans that meet the requirements of town regulations, this will most likely result in a reduction of area for lot 10-33-2 with a corresponding reduction in allowable units. It is the purpose of the planning board to ensure that town regulations are being met. The applicants desire to build and sell additional units does not justify deviations from the subdivision regulations.

8. Since the development is in the APO, the applicant is bound by the requirements of section XI A 4 B of our zoning ordinance

- 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.**

The language above indicates that the proposal must meet all requirements in the zoning ordinance **without** the benefit of waivers. The implication of this language is that the planning board may not entertain any waiver requests for non-compliances in this proposal since it lies in the Aquifer Protection Zone.

Secondarily, Per Workforce housing section of our ordinance XVIII,1,3 the planning board shall not approve waivers related to “environmental protection,...and **life safety**”. This language implies that the applicant would need comply with all requirements of this of this nature. The planning board is bound not to accept waiver requests that impact any of the concerns listed below.

TOWN OF HOLLIS, NH
ZONING ORDINANCE

Board.

- 3. The Planning Board shall not approve any workforce housing proposal unless it complies with all applicable standards related to **environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection.**

For both reasons listed above, construction in the APO and the Workforce housing requirements, this project is not eligible for the approval of any waivers should the applicant request them. Specifically the open space requirements as described in section 3 of this letter serve to protect the environment as can be seen by the ordinance language requiring that they be left in their natural state. In addition, the non-compliances cited relative to road design are life safety concerns. Even if a waiver was possible, it would be hard to imagine why the board would grant one.

In conclusion, the proposed development at 52 Runnels Bridge Road is not compliant with our town’s subdivision regulations or zoning ordinance and as such the board should require the submission of a compliant proposal. The spirit and intent of these regulations is to ensure that subdivisions are developed in a safe manner. The Town of Hollis Zoning Ordinance has the purpose as stated in its preamble of “preventing the overcrowding of land”. Considering this, the planning board members should vigorously enforce the subdivision regulations and zoning ordinances with the understanding that this project is not eligible for waivers.