



ZONING BOARD of ADJUSTMENT
Town of Hollis
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Minutes of February 22, 2024

The Zoning Board of Adjustment meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Brian Major at 7:00 pm.

MEMBERS OF ZONING BOARD OF ADJUSTMENT PRESENT: Brian Major, Chairman; Jim Belanger, Vice Chairman; Regular Members – Cindy Robbins-Tsao, Rick MacMillan, Drew Mason; Alternate Members – Bill Moseley, Meredith West, Stan Swerchesky, and Michael Bishop.

MEMBERS ABSENT: Alternate Member – Kat McGhee.

STAFF PRESENT: Kevin Anderson, Town Planner & Environmental Coordinator; Donna Setaro, Building and Land Use Coordinator.

J. Belanger led the Pledge of Allegiance.

B. Major explained the policies and procedures.

B. Major recused himself from the case this evening.

J. Belanger assumed the Chair, and stated that the voting members for case ZBA2024-003 will be J. Belanger, C. Robbins-Tsao, R. MacMillan, D. Mason, and B. Moseley.

Determination of Regional Impact

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for case ZBA2024-003.

ZBA2024-003

The application of Becky Kellner, Program Director, for a Special Exception to Section XG; paragraph 3.c; Day Care for more than six (6) children, of the Zoning Ordinance, to operate a daycare for up to 20 children, property owned by Beaver Brook Assoc., located inside the Brown Lane Barn, (Map 012, Lot 007-A) in the Residential/Agricultural District.

A letter was received in support of the application, from Charles and Mireille Turner, of 8 Brown Lane, which D. Setaro read.

K. Anderson explained that in terms of this case, “pre-school” refers to a defined age group.

Applicant: Becky Kellner, Program Director at Beaver Brook Association. Stated that she oversees programming for adults, families, and children at Beaver Brook. One of her jobs is to make sure that they follow rules put in place by the State when they are operating programming. Recently, the Department of Health and Human

Services, which oversees their certifications, has made an adjustment to the age ranges in which Beaver Brook is certified. Currently, Beaver Brook holds a year-round camp license which in the past covered them for pre-school aged children from 3-18. This year, the change has kicked that age group out of the year-round camp license, and covers ages 4-and-9-months, and up. That leaves Beaver Brook with an age bracket that is not licensed. In order for them to operate their program, they need to apply for a different type of license – a child care license, under the Department of Health and Human Services. Within the child care license are seven different types of programming that one can have: residential, large day-care centers, and things like that. Beaver Brook sits under what they consider a pre-school program. Children stay on campus less than five hours at a time. In order for them to continue operating the program that they call Forest Pre-School, for ages 3-5, they have to go through the process to apply for this license. There is no change to the volume of children that they are allowed to have on campus; that still meets the needs. They can have up to 20 children in the building. There will be no change to the traffic flow, the structure of the road, the parking, public access to the location, or signage. They will be meeting all State requirements, which are actually more rigid for daycare pre-school centers. There are a few adjustments being made inside the building to meet those standards – for example, they have added risers to a staircase to make sure that they meet the coded stipulations for that space, they have updated some electrical work, and they are adding some railing on a porch. This will not change the character of Beaver Brook Association, or any aspect of what they are doing; it's just getting the right license for the little age bracket which they have already been servicing. This application is a result of their having to go through the initial stages of getting that license.

S. Swerchesky asked whether they have periodic inspections from, for instance, the Health Department, or Fire Department. B. Kellner stated that their camp license covers them year-round, but specifically during their high camp season, when they have about 400 kids come through in the course of six weeks. They always have an inspection by the State DHS licensing agent for summer camp at some point in that six weeks. That is a surprise visit, and they have never not passed the inspection. The daycare/pre-school license will have the same process – it will be more stringent than for their camp license, and they will be inspected and monitored by the Department of Health and Human Services. S. Swerchesky asked whether that will include things like egress, and fire safety. B. Kellner answered yes; they are working closely with the Fire Department and the health inspectors, to make sure that their building meets all of those codes. Fire egress, doors, the number of children in a space all have to be approved by the Fire Department before they can even move beyond this initial stage of obtaining the license.

M. Bishop asked if it is correct that because of a change in the definition of the age group, the Applicant's facilities have to be brought up to a different standard. B. Kellner replied that their summer camp license covers them during their high camp season with all of the kids, across their whole campus – it is not building-specific. Their childcare license, which is going to be for the Forest Pre-School, is for a certified, actual physical location. They cannot move from that location, the barn at 51 Brown Lane. The rest of the campus will not be part of the certification process.

B. Moseley asked what is the actual, licensed entity – is it Beaver Brook Association? B. Kellner confirmed that yes, it is Beaver Brook Association. B. Moseley further asked how many children they have on site at any given time. B. Kellner answered that for the summer camp license they have 400 children over six weeks, at about 60-70 kids a week, on campus. This license, for the school year pre-school program, they have the ability to have 20 children in the building at a time. They will have two different classes, alternating days: one is a group of eight, and the other is a group of twelve.

D. Mason asked whether the DHS agency which will oversee the licensing is the State agency or Federal. B. Kellner stated that is the New Hampshire Department of Health and Human Services. D. Mason further asked what hours they will be operating. B. Kellner replied that their summer camp runs 9am – 3pm from the end of June into mid-August; the pre-school based program runs 9am – 2pm for 32 weeks on a school-year based calendar. D. Mason asked to confirm that they therefore don't cover the younger age group during the summer. B. Kellner stated that yes, unfortunately, their licenses are going to have to eliminate the pre-school ages from

their summer camp offering. It would be very difficult for them to operate their summer camp and at the same time maintain the standards that are required to operate their pre-school based program. They don't have the facilities to do that, and it will be a loss of revenue – as well as an additional cost to them, and a loss to the community in childcare that can no longer be provided to families during the summer. D. Mason asked whether they have any plans to expand their camp or pre-school. B. Kellner replied that on their campus they are maxed out in their capacity regarding shelter, space, and staffing, so at this time they cannot expand their summer camp program. For the Forest Pre-School program, they are limited to 20 children in the building at a time. For the intimate experience that they are creating in that program, they don't really want it to get much bigger than it is right now.

R. MacMillan stated that he thinks it's a wonderful program.

J. Belanger asked how often they have their State inspection. B. Kellner answered that it is a surprise visit; they will be visited once a calendar year for the program.

B. Kellner added that while we are talking about a physical space that we're calling a pre-school, for pre-school aged children, meeting all the licensing requirements of an indoor space, this program is a forest-based pre-school. The children are spending 80% of their time learning in the outdoors.

No further questions from the Board and none from the floor. The hearing portion of the case was closed.

DELIBERATIONS AND DECISION

ZBA2024-003

The discussion of the application of Becky Kellner, Program Director, for a Special Exception to Section XG; paragraph 3.c; Day Care for more than six (6) children, of the Zoning Ordinance, to operate a daycare for up to 20 children, property owned by Beaver Brook Assoc., located inside the Brown Lane Barn, (Map 012, Lot 007-A) in the Residential/Agricultural District.

The Board, in general, does not see any problem with this application.

Questions/Special Exception

Question #1 Is the Exception specified in the Ordinance?

Question #2 Are the specified conditions under which the Exception may be granted present?

Question #3 Should the Exception be granted with the specified conditions and restrictions?

Board Member	Question #1	Question #2	Question #3	Total -Yes	Total - No
J. Belanger	Yes	Yes	Yes	3	0
C. Robbins-Tsao	Yes	Yes	Yes	3	0
R. MacMillan	Yes	Yes	Yes	3	0
D. Mason	Yes	Yes	Yes	3	0
B. Moseley	Yes	Yes	Yes	3	0

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED.

B. Major assumed the Chair.

Review of Minutes

B. Moseley moved to approve the minutes of January 25, 2024.

Seconded by M. Bishop.

Motion unanimously approved with J. Belanger, B. Moseley, and M. West abstaining.

Meeting Adjourned

The ZBA meeting adjourned at 7:30 pm.

Respectfully submitted by:

Donna Lee Setaro, Building and Land Use Coordinator,
and Aurelia Perry, Recording Secretary.