

HOLLIS PLANNING BOARD MINUTES
January 19, 2021
Final

PLANNING BOARD MEMBERS PRESENT: Bill Moseley – Chairman; Doug Cleveland – Vice Chairman, Virginia Mills, Ben Ming, Rick Hardy, Jeff Peters, Chet Rogers, and David Petry (Ex-Officio for Selectmen) Alternates: Julie Mook, Rick Hardy

ABSENT: None

STAFF PRESENT: Mark Fougere, Town Planner; Evan Clements, Assistant Planner

THIS MEETING WAS CONDUCTED VIRTUALLY WITHOUT A PHYSICAL LOCATION IN COMPLIANCE WITH GOVERNOR SUNUNU'S EMERGENCY ORDERS #12, 16, & 17

1. CALL TO ORDER: 7:00 PM. B. Moseley led the group in the Pledge of Allegiance.

2. APPROVAL OF PLANNING BOARD MINUTES:

- a. December 1, 2020 Meeting – **Motion to approve minutes** – Motioned by D. Cleveland; seconded by V. Mills – passed unanimously

3. DISCUSSION AND STAFF BRIEFING

- a. Agenda Additions and Deletions:
- b. Committee Reports – none
- c. Staff Report – none
- d. Regional Impact – none

4. SIGNATURE OF PLANS: None

5. HEARINGS:

6. Other Business –

- a. **Potential Zoning Changes** – A Public Hearing will be held to discuss one potential zoning change. The proposals can be found at the Planning Office in the Town Hall or on the Planning Board website. **Public Hearing**

M. Fougere explained the proposed amendment would amend Section XI: General Provisions, by adding the following new Section S. Residential Uses: Side Yard Setback Encroachment: Residential uses may be allowed to encroach into Minimum Side Yard requirements as required in the Agriculture and Business Zone, Recreation Zone, Residential and Agriculture Zone, Rural Lands Zone and the Town Center Zone, provided a Special Exception is obtained as outlined in Section VI Zoning Board of Adjustment (ZBA) , paragraph B, as well as adherence to the following criteria as determined by the Zoning Board of Adjustment:

- a. Proper screening, as defined in Section XV D3, Rural Character Preservation Ordinance may be required by the ZBA. All landscaping shall be bonded as provided for by Planning Board regulation. Landscaping shall be overseen by Planning Staff.
- b. Encroachment shall not exceed 20% of the Minimum Side Yard requirement.

- 49 c. Any decisions (ZBA approval letter) allowing encroachment shall be recorded for
50 both the subject property and the affected abutter, unless prohibited by law or
51 Registry of Deeds practices.
52 d. Applicant must prove that the ZBA approval letter has been property recorded
53 prior to the issuance of any building permit.
54

55 **Public Hearing**

56
57 Joe Garruba; 28 Winchester Drive – stated that he did not support the amendment
58 because he believed that it could be used to grant relief to the side yard setback for
59 higher density, mixed use, and commercial uses. He recommended that the language
60 in the proposal be changed so that it can be used for accessory structures only. This
61 would allow this provision to apply for additions and expansions of existing
62 structures but would prevent the use of this tool for new construction.
63

64 **Public Hearing closed**

65
66 J. Peters asked what the difference between a Special Exception and a Variance is.
67

68 M. Fougere explained that there are 5 criteria that must be met for a Variance and
69 they are set by state statute. The Special Exception is an easier test to prove and the
70 criteria are decided upon locally.
71

72 J. Peters stated that he agreed that this provision should only be able to be used by
73 residents and not developers trying to push the boundaries of density allotments.
74

75 M. Fougere stated that changing the language to add “accessory” would require the
76 Board to delay the proposal to next year since it substantially changes the proposed
77 amendment.
78

79 E. Clements stated that by adding the word accessory it would make the tool
80 unusable to anyone trying to add an addition onto the principal structure on the
81 property.
82

83 J. Peters asked if the proposal could be changed so that it could only be used by
84 residents and not developers.
85

86 E. Clements stated that he did not believe you can create regulations that only apply
87 to residents and not property owners who do not live in town.
88

89 D. Petry stated that as it stands a property owner can seek a Variance for what the
90 proposed amendment is changing to a Special Exception. He noted that the ZBA
91 makes decisions on a case by case basis. He also stated that the proposed
92 amendment would not increase allowed density on a parcel.

b. Zoning Amendment Ballot Discussion

7. ADJOURN

Respectfully submitted,
Evan J. Clements,
Assistant Planner