



**BOARD of ADJUSTMENT**  
**Town of Hollis**  
Seven Monument Square  
Hollis, New Hampshire 03049  
Tel. 465-2209 FAX 465-3701

**Minutes of January 28, 2016**

Meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Jim Belanger at 7:00 pm.

**MEMBERS OF ZONING BOARD OF ADJUSTMENT:** Jim Belanger, Chairman; Cindy Tsao, Vice Chairman; Regular Members – Brian Major, Gerald Moore; Alternate Members –David Gibson, Susan Durham, Drew Mason, Kat McGhee and Bill Moseley.

Belanger explained the policies and procedures.

Moseley recused himself from the case tonight.

Belanger appointed McGhee as a voting member for the case tonight.

**Case 2016-001**

The application of Yvonne Dunetz, property owner, for a Special Exception to Section XXII, Home Based Business, Paragraph 3, Home Occupation of the Zoning Ordinance to permit the operation of a Stress, Anxiety and Pain Management Business known as "YCD Holistic Healing", located at 57 Long Hill Road (Map 060, Lot 045-013) in the Residential/Agricultural Zone.

Yvonne Dunetz explained she is seeking a special exception for a home based occupation. The business is for stress, anxiety and pain management. Dunetz states she works with individuals and their families who have cancer and other illnesses. She helps the individuals deal with the anxiety, stress and pain management related to their illnesses. The work is one-on-one and being in a quiet residential area is important to her business, in order to make her clients feel safe, secure and be in a peaceful setting. The business will in no way impact the residential community. The business will abide by the parking regulations as stated in the zoning ordinance. Clients will park in our driveway and come and go peacefully. In any given day she meets with clients for 1 to 3 hours at a time and meets with 2 to 3 clients per day on average. Each client usually comes alone but occasionally small group sessions do occur.

Belanger asked how is the business advertised. Dunetz replied the business is primarily word of mouth. The reason she is seeking a home occupation is that she needs to leave her current location due to environmental concerns. If the ZBA grants the special exception she will notify her clients by mail of her new location. Dunetz stated she never had to advertise she receives referrals from doctors, nurses, hospitals and family members that have used her services in the past.

Belanger asked if the two to three people a day were all at once or individual clients. Dunetz replied the business is confidential. There will be at least thirty minutes and up to an hour in between clients. Belanger asked if there will be group sessions. Dunetz replied she conducts small group support sessions maybe once a week. Usually the group arrives in 1 vehicle possibly 2. Belanger asked if Dunetz was required to have a state license. Dunetz replied no, but has a masters' degree in social work, certified hypnotherapist, certified hypnotherapist teacher, certified reiki master and has been in the health care field for over 30 years.

Major asked if the upstairs of the garage where is 840 square feet was the location for the business. Dunetz replied they will be converting one bay of the garage into an office area where individuals and small groups will be seen the upstairs would be used for larger groups. Gagnon stated the total area being used for the business will be 840 square feet which includes; the first and second floor of the garage. Major stated if a condition was imposed to say; no more than 6 clients per day which would equal 12 vehicular trip; would Dunetz agree to the condition? Dunetz replied yes. Mason asked would there be any other employees involved with the business. Dunetz replied no.

Moore stated in the written application it states "two to three clients per day individual and small groups up to ten people." Prior testimony was that you see clients one-on-one. Dunetz replied the majority of the work is one-on-

one, sometimes small groups are brought together to deal with certain situations. Moore stated his concern that a group session of 10 individuals would exceed the maximum of 12 vehicular trips per day if each individual came in their own car. Dunetz replied the allowed amount of vehicles trip will not be exceeded, the group session may happen once a week and only be up to 6 individuals. If a group session was conducted on a given day and the 6 vehicle per day limitation was met there would be no more clients seen on that day.

Moore asked would the hours of operation be Monday- Friday 8am to 5pm as stated in the application. Dunetz replied yes, with the occasional early or later appointment. Moore asked if a condition was imposed on the hours of operation, what would those hours be. Dunetz replied the latest time would be 8pm and would also like 1 weekend day if needed. Major stated if the hours of operation were set to Sunday - Saturday 8am to 7pm with only 1 group session per month occurring on a weekend. Would those hours accommodate her business? Dunetz stated that there are other businesses in the area and asked why was the ZBA concerned on setting the hours of operation since this business will not impact the residential area. Major stated the ZBA should be consistent with the conditions placed on prior home occupations. Mason stated maybe the ZBA should consider hours per day based on the type of operation not hours of operation. Major asked what the applicant would like for hours of operation, if the ZBA was to impose a condition. Dunetz replied Monday - Friday 8am to 8pm and one weekend day per week. Belanger stated 6 days a week from 8am- 8pm would accommodate what the applicant is asking for. However, the ZBA needs to consider if the house sells and the new owner applies for a home occupation, the ZBA would have a hard time not granting the same hours of operation. Precedence is a concern.

**No one spoke in favor of the application**

**Spoke in opposition of the application**

**David Wojcik, 18 Long Hill Road**

Wojcik stated he admires the work the applicant does but is concerned of medical emergencies since she will be dealing with individuals in Hospice care. You have no idea where people will park even though you tell them to park in the driveway. If group sessions are done, there is potential for more than the allowed number of vehicles. If there will be 10 people you can't put ten people in one car. Wojcik feels there are plenty of places the business could operate which would not be in a residential area especially when the business is dealing with sick individuals.

Belanger asked if Wojcik would object to any home occupation in the neighborhood. Wojcik replied no.

**Karen Dintino, 29 Long Hill Road**

Dintino stated on street parking is her biggest concern because the street is narrow and curvy. There is also an emergency turn-around directly across from the applicant's property and is concerned that cars would park in that area. Belanger stated that the zoning ordinance states "*parking for customers/clients and non-resident employees must be provided with off-street parking. No more than 3 parking spaces shall be provided for the business use and not more than 3 vehicles shall be parked simultaneously on the premises at any time for the business.*"

**Domenic Dintino, 29 Long Hill Road**

Dintino stated he agrees with all of Wojcik concerns with one exception, he would oppose any home occupation. Dintino feels the business is not appropriate for the area. Dintino has concerns about signage and parking. Belanger asked if Dintino saw the proposed sign as shown in the application. Dintino replied no. Belanger shows the proposed sign to Dintino as submitted with the application, the sign is 10" x 1" located on the bottom of the existing mailbox.

**Karen Dintino, 29 Long Hill Road**

Dintino asked if any medication would be administered including medical marijuana.

**Applicant rebuttal**

Dunetz stated her driveway is 75' long with ample parking and no vehicles would need to park in the street. As far as the emergency turn-around which is also an entry to the town forest there are 2 to 3 cars parked there on a daily basis. The cars parking there are people entering the town forest to walk dogs, hike and hunt. Dunetz stated her

business does not administer any medication it is not a critical Hospice care business. She deals with meditation, sound therapy, and stress and pain management. If by chance someone needs her services while critical she does home visits. The proposed sign is very small and really is not needed if the ZBA decides not to approve the sign. Major stated the sign may be needed to avoid any turnarounds.

Major asked during the last 10 years of business how many medical emergencies occurred where Dunetz needed to call a EMT. Dunetz replied none. Major asked Dunetz to explain a group session, is it multiple family members. Dunetz replied yes normally but it could be up to six different people not in the same family. Major asked would those six clients be arriving in one or multiple cars. Dunetz replied maybe one to two cars. Mason asked for an example of group therapy. Dunetz replied a stress management session is where a group of people come together to make the session more economical. The group will be at the location for an hour session. Major asked what would the maximum number of people in a group session. Dunetz replied 10. Major questioned if the ZBA was to impose a restriction that no more than 1 group session per week not to exceed 10 clients. Would Dunetz consider that reasonable? Dunetz replied yes.

**David Wojcik, 18 Long Hill Road**

Wojcik stated that there is no way to predict how 10 people will arrive for a group session. They could arrive in 10 separate cars. Belanger stated the Town of Hollis has an ordinance which allows home occupations and if the applicant meets the requirements of that ordinance, the application must be approved.

**Milton Janosky, 38 Long Hill Road**

Milton stated he is not for or against the application but has a concern about precedence. The ZBA has only talked about if the home sells not if another home in the area was to apply for a home occupation. If the special exception was granted that would mean others could be granted in the area. Belanger stated setting a precedence he referenced to was for setting the hours of operation for the business.

**Yu-Jane Hsiao, 30 Long Hill Road**

Hsiao stated her family moved from Massachusetts and chose the area because it was peaceful. Once this business is allowed the street could potentially have many businesses. Belanger noted that every home in the neighborhood could have a home occupation. The only way to prevent this, is to approach the planning board and have the ordinance changed by town vote. Hsiao stated the neighborhood has a lot of children and has concerns that a lot of strangers will be coming to the area. The clients may feel safe going to the business but she does not since more people will be coming and going.

**No Further Questions from the Board and none from the floor – hearing portion of the case closed.**

**DELIBERATION AND DECISION**

**Case 2016-001**

Discussion of the application of Yvonne Dunetz, property owner, for a Special Exception to Section XXII, Home Based Business, Paragraph 3, Home Occupation of the Zoning Ordinance to permit the operation of a Stress, Anxiety and Pain Management Business known as “YCD Holistic Healing”, located at 57 Long Hill Road (Map 060, Lot 045-013) in the Residential/Agricultural Zone.

Moore stated that the ZBA has a limited role and is required to follow the zoning ordinance. The zoning ordinance has been adopted and voted on by the residents of Hollis. Whether the ZBA agrees or disagrees with the zoning ordinance, it is immaterial to the role of the ZBA. The home based business ordinance reads as follows:

*“The Town of Hollis recognizes the need for some citizens to use their residence for limited business use. However, the Town believes that it is important to protect the residential character of neighborhoods. Therefore, the purpose of this section is to allow a limited business use in a residential area only to the extent that the business use does not adversely affect the appearance, character or condition of the residence or surrounding area. “*

Therefore, the ordinance says if certain criteria are met, the ZBA must allow the business. Under home occupations it states “home occupations shall be permitted only as a special exception upon approval of the Board of Adjustment. “Only if certain criteria are met which include parking requirements and a list of several others. If

some of us disagree with the ordinance it makes no difference in making a decision. In the past we have felt the enforcement of some ordinances is difficult but that is outside the authority of the ZBA. However, what the ZBA tries to accomplish is apply certain conditions to an application based on the ordinance.

Major stated in his opinion the application meets the requirement of the ordinance, if we set conditions which are appropriate Major has no problem with the application. The ZBA members agreed.

Major suggested a condition of approval for the hours of operation being; Monday – Friday 8am – 8pm and 1 weekend day per week from 8am – 8pm. McGhee suggested 6 days a week from 8am – 8pm that Belanger suggested. McGhee stated those hours are very liberal since the hours applied for were Monday – Friday 8am to 5pm. is an average work day. Mason suggested a certain number of hours per day. Moore stated weekend days are much different than during the week. The applicant herself said she could do home visits on weekends for emergencies. This type of business does not require the service to be performed at her home. Moore stated Monday – Friday 8am – 5pm is sufficient and it protects the residential community. The community will have peace in the evening and weekends. Major suggested an end time at 6pm. Belanger suggested 9 hours per day no more than 5 days per week not more than one of the days could be a weekend day. Major stated those hours would create a large enforcement issue. Moore agreed. After a lengthy discussion and to protect the neighborhood the hours of operation requested were agreed to.

*Moore moved for a condition of approval;*

1. *The hours of operation shall be limited to Monday - Friday 8:00 am to 5 pm.*

*Seconded by McGhee.*

*Motion unanimously approved.*

*Major moved for a condition of approval;*

2. *No more than 1 group session per week and the group session shall not exceed 10 clients.*

*Seconded by Moore.*

*Motion unanimously approved.*

*Belanger moved for a condition of approval;*

3. *The business sign located on the mailbox shall not exceed 10" x 1", as presented in the application.*

*Seconded by Moore.*

#### Discussion

Major stated the sign might be too small for clients to see. The ordinance allows a larger sign. Belanger wants to be sensitive to the neighborhood.

*Motion unanimously approved.*

Mason asked if the special exception was granted how much of the business needs to change to require another approval. Belanger stated a condition could be imposed that the special exception is to be granted to the applicant only.

*Mason moved for a condition of approval;*

4. *The Special Exception has been granted solely to the applicant.*

*Seconded by Tsao*

Discussion:

Major feels the condition is not needed, since most of the past approved home occupations do not include this condition.

*Motion approved by a 4 -1 vote with Major voting No.*

**No Further Discussion.**

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?

Board Member	Question #1	Question #2	Question #3	Total-Yes	Total-No
Belanger	Yes	Yes	Yes	3	0
Tsao	Yes	Yes	Yes	3	0
Major	Yes	Yes	Yes	3	0
Moore	Yes	Yes	Yes	3	0
McGhee	Yes	Yes	Yes	3	0

**THEREFORE THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING CONDITIONS;**

- 1. The hours of operation shall be limited to Monday - Friday 8:00 am to 5 pm.**
- 2. No more than 1 group session per week and the group session shall not exceed 10 clients.**
- 3. The business sign located on the mailbox shall not exceed 10 inches x 1 inch, as presented in the application.**
- 4. The Special Exception has been granted solely to the applicant.**

**Review of Minutes**

*Mason moves to approve the minutes of October 22, 2015 as written.*

*Seconded by Major.*

*Motion unanimously approved with Moore and McGhee abstaining.*

**Other Business**

Belanger stated that SB 146 concerning Accessory Dwelling Units (ADU) has passed and will be going to the Governors' desk for signature. The current Hollis zoning ordinance coincides with SB146.

**Meeting Adjourned**

The ZBA meeting adjourned at 8:15 pm.

Respectfully submitted, Donna L. Setaro, Building & Land Use Coordinator