



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

**Minutes of June 23, 2016**

Meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Cindy Robbins-Tsao at 7:00pm.

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

Tsao explained the policies and procedures.

Tsao appointed Gibson and Durham to vote on the cases tonight.

**Case 2016-009**

The application of Hollis Montessori School for an Appeal of the Administrative determination per RSA 676:5, II (b), made by the Hollis Building Inspector/Code Enforcement Officer for operating the Hollis Montessori School outside of the conditions imposed by the Zoning Board of Adjustments and the Planning Board. Property located at 9 South Merrimack Rd., (Map 036, Lot 032) in the Residential Agricultural Zone.

Tsao stated that the Zoning Board of Adjustment (ZBA) has received a letter from the Hollis Montessori School, Kari Headington, Head of School, requesting that case 2016-009 be deferred to the July 28, 2016 ZBA meeting.

*Major moves to table Case 2016-009 to the July 28, 2016 ZBA meeting.*

*Seconded by Gibson.*

*Motion unanimously approved.*

**Other Business**

Motion for Rehearing for case 2016-008 to appeal the Zoning Board of Adjustment decision made on May 26, 2016. Relative to the operation of an infant and toddler child care business. The subject property is located at 258 Proctor Hill Rd, Map 011 Lot 025 and is located in the Industrial Zone.

Mason stated there may be two reasons that the ZBA could reconsider rehearing Case 2016-008; the subject lot is none conforming and the lot is too small to allow an industrial use to occur without obtaining a variance. The second reason is the existence of a baseball school across the street. However, there is no new evidence present in the appeal for a rehearing. Mosley agreed with Mason. The baseball school across the street brings up a point but two wrongs do not make it right. Durham stated the lot size is an interesting point, is it too small for an industrial use. Durham does not recall that the lot size was ever brought up at the prior meeting. The lot is also, grandfathered for residential use for those reasons Durham thinks the ZBA should consider rehearing the case. McGhee stated that a witness during the prior meeting stated that they have looked in the commercial zone where a daycare is allowed but there is no space available which would meet the state licensing requirements. At the prior ZBA meeting we did not discuss those state requirements. McGhee stated in her opinion the state licensing requirements should have been discussed because they may limit the available space where a daycare can operate and that may help determine a hardship. Mason stated the undersized lot should be discussed. The baseball field however, was approved by the Planning Board without approval from the ZBA. The zoning ordinance allows specific uses within the industrial zone to preserve the area for industrial uses. Tsao stated the baseball academy was approved for use indoor, somehow the planning board allowed the operation to go outside to include battings cages and a field. The hardship in Tsao opinion is that there is no other parcel available to operate the daycare at this time. However, the only way to allow daycare is to change the zoning ordinance to allow the use. The area is zoned industrial and the proposed use is not allowed at this time. Gibson stated all though he did not attend the prior ZBA meeting, after reviewing the appeal in his opinion the proposed use would, in fact, help the town. There is a need for the daycare and the case should be reheard.

## **ZBA Minutes, June 23, 2016– Page 2 of 2**

Tsao stated that due to the fact Gibson did not attend the prior ZBA meeting. Tsao appointed McGhee as a voting member for case 2016-008.

Moore stated he agrees with Tsao. The baseball academy was brought up at the prior meeting and the owner of the academy was present. There is no new information presented within the appeal that was not brought up at the prior meeting. The fact that the lot is less than a foot too narrow to meet the industrial zone frontage does not mean the lot can't be used for an industrial use. The area is zoned industrial and should be used as such. Moore stated in his opinion, the decision the ZBA made was not incorrect or unreasonable. The zoning ordinance should not be disregarded because there is no other suitable space in Hollis to expand the daycare. Moore stated he is against granting the motion for a rehearing. Tsao agreed with Moore.

*Moore moves to deny the motion for a rehearing for Case 2016-008.*

*Seconded by Major.*

*The motion to deny the rehearing passed by a vote 4-1 with McGhee opposing.*

### **Review of Minutes**

*Moore moves to approve the minutes of May 26, 2016*

*Seconded by Major.*

*Motion unanimously approved with Tsao abstaining.*

### **Meeting Adjourned**

The ZBA meeting adjourned at 7:24 pm.

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