



BOARD of ADJUSTMENT

Town of Hollis

Seven Monument Square
Hollis, New Hampshire 03049
Tel. 465-2209 FAX 465-3701

Minutes of September 22, 2016

Meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Cindy Robbins-Tsao at 7:13pm.

MEMBERS OF ZONING BOARD OF ADJUSTMENT: Cindy Robbins-Tsao, Chairman; Gerald Moore, Vice Chairman; Regular Members –James Belanger; Alternate Members –Drew Mason and Kat McGhee..

Tsao explained the policies and procedures.

Tsao appointed Mason and McGhee voting members for Case 2016-015.

Case 2016-015

This application was tabled at the August 25, 2016 ZBA (Zoning Board of Adjustment) meeting- the application of Ethan & Rachel Holmes, property owners, for a Special Exception to Section XII, Nonconforming Uses, Structures and Lots, Paragraph 4c, Nonconforming Structure of the Zoning Ordinance to permit the construction of a 40' x 24' Pole Barn Garage and connecting breezeway 20.4 feet from the front yard setback (required 50 feet) located at 106 Mooar Hill Road (Map 042, Lots 019) in the Agricultural Business Zone and Residential Agricultural Zone.

Holmes explained he would like to build a 40' x 24' pole barn garage with a connecting breezeway within the 50 foot front building setback. The home was constructed back in the 1970 and was placed roughly 15 feet from the property line. The proposed garage will be placed 20.4 feet from the property line. The garage will support the storage of lawn and garden equipment, motorcycle and vehicles. The room above the garage is planned to be a recreational room for their children in the future.

Health and safety will be increased with the construction of the pole barn garage; Currently, in the winter, they are forced to park vehicles on the side of Mooar Hill Rd. with flashers on in order to remove snow. This could be a hazard for passing vehicles as there is limited visibility due to the moderate corner in the road and a hill. With the construction of the garage the vehicles will be parked inside during snow removal and therefore safer for everyone. Also parking the vehicles inside will also be safer than the current situation which forces cars to be parked much closer to the road. The garage can't be placed anywhere else on the property due to the topography, septic location and the wetland buffers. The use does not affect the traffic or physical conditions of the town road in any way. The placement of the garage would actually make the road safer since our vehicles will not be parked 5 feet from the road they would be parked inside the garage about 25 feet from the road.

Tsao asked would there be any plumbing in the garage. Holmes replied no. Tsao asked would the breezeway be an additional addition. Holmes replied yes.

Belanger stated for the record he visited the site and met with Rachel Holmes and evaluated the topography of the property and the location of the proposed garage. He would discuss his findings during the deliberative session. Moore stated for the record he also drove by the site for an evaluation. Moore asked was the septic system located behind the home and is that the reason the garage could not be placed there. Holmes replied yes. Moore asked despite the acreage of the lot, was the rear of the property predominately wetlands. Holmes replied no. However, the rear of the property is impacted by the 2 wetland buffers. Moore noted he viewed the topography of the lot and it seems like the structure could not be put anywhere else on the lot without a lot of tree cutting and excavation cuts. Would this be a correct statement? Holmes replied yes. McGhee asked how far the proposed structure would be from the road. Holmes replied 20.4 feet. Tsao asked how the topography was on the left side of the home. Holmes replied the land slopes down from the house towards the leach field. Mason asked what will be the intended use for the open space above the garage. Holmes replied either an office for his wife or recreational room for their children in the future. Holmes asked if the structure was made smaller would the approval, if granted, still apply. Tsao replied the structure could be built smaller but not larger than the approval.

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

DELIBERATION AND DECISION

Case 2016-015

Discussion of the application of Ethan & Rachel Holmes, property owners, for a Special Exception to Section XII, Nonconforming Uses, Structures and Lots, Paragraph 4c, Nonconforming Structure of the Zoning Ordinance to permit the construction of a 40' x 24' Pole Barn Garage and connecting breezeway 20.4 feet from the front yard setback (required 50 feet) located at 106 Mooar Hill Road (Map 042, Lots 019) in the Agricultural Business Zone and Residential Agricultural Zone.

Belanger stated the home was built in 1970 and the front setback is encroached substantially. The topography was reviewed, the land slopes down at the rear into what seems to be a seasonal stream. Belanger has no problem with the structure being at the location. Belanger stated in his opinion the application meets the intent of the ordinance and he fully supports the application. Moore agreed.

Moore moves for a finding of fact;

1. *"The topography of the locus and the proximity of the wetlands buffer and the septic system to the home makes any other location for the proposed barn/ garage exceedingly difficult and expensive, requiring the removal of many trees and severe excavation cuts."*

Belanger seconded.

Motion unanimously approved.

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
CindyTsao	Yes	Yes	Yes	3	0
Gerald Moore	Yes	Yes	Yes	3	0
Jim Belanger	Yes	Yes	Yes	3	0
Drew Mason	Yes	Yes	Yes	3	0
Kat McGhee	Yes	Yes	Yes	3	0

THEREFORE THE SPECIAL EXCEPTION WAS APPROVED WITH THE FOLLOWING FINDINGS OF FACT:

Findings of Fact:

1. *"The topography of the locus and the proximity of the wetlands buffer and the septic system to the home makes any other location for the proposed barn/ garage exceedingly difficult and expensive, requiring the removal of many trees and severe excavation cuts."*

Other Business

Discussion on ZBA zoning changes.

Section XXI: Housing for Older Persons

Moore stated he has reviewed the Section XXI: Housing for Older Persons and would like to meet with the planning board to discuss potential changes to the ordinance. He has found several points of interest while reviewing the ordinance such as; the ordinance has not been reviewed and/or updated since 2001, the history of passed amendments made to the ordinance do not reflect the actual intent noted for the change and the Fair Housing Act 354-A:15 was revised allowing at least one person 55 years old per unit.

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Belanger stated the Planning Board may want to consider mirroring the “HOSPD” regulations for Housing for Older Persons.

Tsao appointed Moore to act as the ZBA liaison working with the Planning Board to modify Section XXI.

Belanger seconded.

Motion unanimously approved.

Section XIV: Sign Ordinance

Setaro stated she received the answer from the BOS on who was the administrative board. The Building Inspector/Code Enforcement Officer was appointed and is responsible for the interpretation of the provisions of the sign ordinance. When the appointment was made, the sign ordinance was not updated to reflect the change. Setaro supplied the ZBA with the corrections to the sign ordinance. The ZBA agreed with the changes.

Setaro noted an additional change to Section XIV.H.3 - Prohibited Signs remove “advertising or identifying a non agricultural business” and add “(unless where expressly permitted). The change would alleviate confusion on future ZBA applications. The ZBA members agreed.

Mason stated he would like to see an “intent paragraph” at the beginning of each zoning district. Setaro stated if Mason supplied her with the proposed “verbiage” she would send the request to the Planning Board for review. The ZBA members agreed.

Review of Minutes

Tsao moves to approve the minutes of September 12, 2016

Seconded by Mason.

Motion unanimously approved.

Meeting Adjourned

The ZBA meeting adjourned at 7:55 PM.

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