



**BOARD of ADJUSTMENT**

**Town of Hollis**

Seven Monument Square  
Hollis, New Hampshire 03049  
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**Minutes of October 27, 2016**

Meeting was held in the Community Room, Hollis Town Hall, and was called to order by Vice Chairman Gerald Moore at 7:00 PM.

**MEMBERS OF ZONING BOARD OF ADJUSTMENT:** Gerald Moore, Vice Chairman; Regular Members – James Belanger, Brian Major and Rick MacMillan; Alternate Members – Drew Mason, Kat McGhee and Bill Moseley.

In the absence of Chairman Tsao, Vice Chairman Moore assumed the Chair for the cases tonight.

Moore explained policies and procedures.

Moore appointed Mason as a voting member on Case 2016-014.

**Case 2016-014**

Motion for Rehearing - Hollis Montessori School, property owners, for a Special Exception to Section XG, Residential & Agricultural District, Paragraph 2e, public and private schools provided they are located adjacent to an arterial street of the Zoning Ordinance to permit the operation of a private school, located at 9 South Merrimack Road (Map 036, Lots 032) in the Residential Agricultural Zone.

Moore reminded the ZBA of its rules and procedures for this appeal taken directly from Section IV.D, "*Motions for rehearing shall be considered by the board on the written application without receiving testimony from the public nor applicant and/or his/her agent(s) or representative(s).*" No testimony will be heard. The ZBA will only discuss the written material received.

Belanger stated he has reviewed the submission in detail.

*Belanger moves to rehear Case 2016-014 on December 22, 2016 limited to testimony and deliberation of the ZBA imposed conditions #3, 5, 9, 18 and 20 and no other. This motion is not intended to result in a de-novo hearing of the entire case.*

*Seconded by Major.*

**Discussion**

Belanger stated that he has reviewed the 5 imposed conditions set by the ZBA and considered the alternative conditions proposed by the applicant. He does not find any of the proposed alternatives very objectionable and feels the ZBA could deliberate the case and come to an agreement on the conditions and not reopen the entire case. Belanger urges the ZBA to support the motion.

Major stated that the applicant should supply the ZBA with the five conditions precisely stated prior to the meeting. Belanger replied the proposed conditions were submitted. Major stated he felt the proposed conditions were not. Belanger stated he had spoken to the attorney for the applicant and decided the December 22, 2016 meeting would be agreeable since the applicant thought the November 17, 2016 meeting was to close too prepare for the meeting.

Major asked if the meeting could be scheduled two months later. Setaro replied as long as the applicant agreed to the date specific there would be no issues.

Most of the ZBA members agreed with the motion. MacMillan asked would the proposed 5 conditions be the only topic of discussion during the December meeting. Belanger replied yes. MacMillan questioned whether or not the ZBA could impose limitations to the rehearing. Belanger replied yes and further noted he made an inquiry to the

town council regarding the limitation and town counsel confirmed the rehearing could be limited to the 5 conditions.

*Motion for rehearing unanimously approved.*

Belanger and Mason recused themselves from case 2016-016.

Moore appointed McGhee and Moseley as voting members for case 2016-016

**Case 2016-016**

Application of Dennis Johnson, property owner, for a Variance to Section XA.1, Permitted Uses in the Agricultural and Business Zone of the Zoning Ordinance to permit a 768 square foot Accessory Dwelling Unit, located at 7 Main Street (Map 052, Lot 005) in the Agricultural and Business Zone.

Dennis Johnson explained he is seeking a variance to allow a 786 square foot accessory dwelling unit (ADU) located on the second floor of his home above his business. The ADU was originally constructed between 10 or 12 years ago and complied with the zoning ordinance at that time. The ADU was abandoned a few years ago as a condition of approval set by the planning board which allowed for the second business. One of the current businesses will be relocated to Nashua and he is requesting approval to reinstate the ADU. The main reason for the variance is the ADU does not comply with the current zoning ordinance which states the ADU must share internal heated living space with access through a common wall. The way the addition and ADU was constructed originally it would be virtually impossible to have access through a common wall because of the different elevations of the home and property. Major asked when the home was built. Johnson replied 1962. Major asked was the ADU constructed prior to 1994. Johnson replied he was not sure. Major asked when the addition was constructed was it for the ADU. Johnson replied yes and his business below. MacMillan asked who would be residing in the ADU. Johnson replied his daughter the ADU was originally constructed for his mother.

Major asked why the planning board required him to abandon the ADU back in 2012. Johnson replied he was seeking approval to have another business the second floor were the ADU resided.

The ZBA members and Johnson reviewed the submitted plans and determined that an access point through a common heated area was, in fact impossible. MacMillan asked what business is being relocated. Johnson replied the tattoo parlor. Moore asked if the variance was approved would Johnson be opposed to a condition of approval stating *“The current tattoo business shall be abandoned and the advertising sign shall be removed prior to the occupancy of the accessory dwelling unit.”* Johnson replied no he stated he is already in the process of modifying the business sign.

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

Moseley recused himself from case 2016-017

Moore appointed McGhee as a voting member for case 2016-017.

**Case 2016-017**

Application of Thomas Morin, property owner, for a Variance to Section 1X.6b, Prohibited Uses in the Aquifer Protection Zone, Subsurface Storage of Petroleum of the Zoning Ordinance to permit the installation of a 16, 000 gallon in ground fuel storage tank, located at 301A Depot Road (Map 005, Lot002) in the Industrial Zone.

Bob Cormier, professional engineer, 164 Rideout Rd representing Morin’s Landscaping explained his client is seeking a variance to install a 16, 000 gallon underground fuel storage tank within the aquifer protection zone (APOZ). The purpose of the ordinance is to protect, preserve and maintain the existing ground water supply and to prohibit adverse practices and activities that may result in depletion or contamination. The proposed fuel storage and dispensing system will be a modern double wall tank to be placed underground with appropriate alarms and features to protect against spills and leakage, therefore ensuring the protection that is sought through the ordinance. The specific site is an appropriate location for such use in terms of overall community development. The current 10,000 gallon 30 year old tank will be removed from the site and replaced with the 16,000 gallon tank. The planning board has granted the installation of an above ground tank but the applicant would much rather install an underground tank with more capacity. It is worth noting, the APOZ was introduced as an overlay zone well after the creation of the industrial zone and well after the opening of Morin’s Landscaping. The APOZ has created a hardship to Morin’s Landscaping and other industrial businesses in the area.

Cormier introduced Russ Barton, Wilkins & Barton an engineering firm which designs fuel storage tank systems.

Barton explained the goal for all fuel storage tanks either above ground or underground is to have a secondary containment system. The proposed underground tank will be double walled and have a monitor system located in manned area within the business. The tank will have 3 double walled sections to allow for gas, diesel and off road diesel fuels. Above there will be 2 dispensary units constructed on a concrete pad the same as in a normal gas station situation. The design and installation will be reviewed, inspected and completely constructed in compliance with all state, fire and setback regulations. The permit process at the state level is extremely rigorous, every piece of equipment is identified with a make/model numbers, there are professional engineers at the state who research all of the applicable guidelines and monitor any changes that may occur within the Petroleum Equipment Institute (PEI) and the National Fire Protection Association (NFPA) regulations. The design is reviewed for well and surface water setback requirements all of which will be followed to the letter.

The design would be a double walled fiberglass tank with a monitoring system, double walled piping which will be monitored at the top of the tank and under the dispensers. The dispensers will be equipped with a containment system so if any incidental spill occurs it would be contained within the system. MacMillan asked if anode bags were going to be used. Barton replied the double walled fiberglass tank removes the necessity for cathodic protection. The doubled walled fiberglass tank installation is preferred. MacMillan asked whether or not Barton had installed any underground tanks within APOZ prior. Barton replied each town has their own regulations dealing with an APOZ. The entire state of NH is treated like an APOZ no matter the location all ground water is treated as drinking water. They installed a similar system in Henniker which had setback requirements from the towns well. The plan was submitted to the planning board which they granted approval. Another completed job was for the state marina division in Gilford which had several drinking water wells in close proximity. The town of Gilford was able to issue variance and the project was permitted by the state. MacMillan asked what the setback requirements in regards to drinking wells were. Barton replied 250 feet from a private drinking well and 75 feet from surface water. MacMillan asked if there was a private drinking well on the location. Barton replied yes 256 feet away from the tank.

MacMillan asked what the water table depth was in the area. Tom Morin, 301 Deport Rd. Morin's Landscaping, replied the site is a high water area with marginal acceptance for a building site however the septic system was approved. Cormier stated the septic is in a higher area on the site above the water level. Major asked if the tank installation would be above the water table. Barton replied the tank would be in the water table. Morin stated the current underground steel fuel tank is in the water table and is inspected regularly with no issues since the date of installation. MacMillan asked how frequent are inspections completed on the proposed tank. Barton replied every 3 years but the automatic system is monitored daily. MacMillan asked is there a way to test the automatic sensors. Barton replied there is a yearly inspection requirement by Mr. Morin to make sure the automatic system is operating properly. There is also an annual testing requirement through DES including the testing of all sensors. Major asked if there was a printed outline of "best practices". Barton replied in 2013 the Department of Environmental Services (DES) published regulation which governs all aspects of storage tanks including references from the NFPA and PEI regulations. MacMillan noted since the tank will be in the water table would the process of installation be digging into the water table, pouring a pad and anchoring the tank so that the tank does not float. Barton replied the tank would be anchored but not on a pad, it would be anchored to a dead man (12x12x18 blocks) with anchor straps which will hold the tank down, in addition there is an engineer buoyancy calculation done based on ground water at grade with an empty tank. Major asked if Barton was aware of any cases nationwide of failed fiberglass tanks. Barton replied yes the state of NH has a comprehensive reimbursement program of 1.5 million dollars that covers remediation if a release was to happen. The proposed tank comes with a thirty year manufacturing warranty which would cover repair and cleanup if a tank failed. Major asked would the danger of a failed tank be less on an inground tank rather than an above ground tank. Barton replied both can fail whether inground or above both systems have the same technology. Major asked what the life expectancy on a fiberglass tank is. Barton replied the tanks have a 30 year warranty and the state has not mandated that once you hit the 30 years you need to take the tank out. Major asked how does the monitor system work, does it notify the unit when a gas leak is found throughout the system. Barton replied the sensors are designed to be non -discriminating, the system will send an alarm regardless. The alarm can be tied to a phone or fax modem where Mr. Morin can receive a message on his fax machine or cell phone and act on the alarm. MacMillan asked if there was an auditable alarm as well. Barton replied yes the alarm would be attached to the outside of the building and is geared to delivery scenarios. The alarm would sound in the event of an over fill. The system is double walled bucket at the fill point with an automatic shut off at the fill point which is designed to shut the fuel off from the truck. There is also a gauge in the tank tied to an alarm system which rings when the tank reaches 90% and when the tank reaches 95% the system shuts down not allowing a overfill. Mason asked if all delivery trucks are required to have the shut off mechanism. Barton replied the system is on the tank not the delivery trucks. Cormier asked if the inner tank wall was to fail would an alarm sound immediately. Barton replied yes the inner tank is monitored for any type of breach and the outer wall would hold any spillage.

McGhee asked what the protocol was if a breach happened. Barton replied if an external breach happens unfortunately, you would have a spill. If an inner wall breach happened the spillage would enter the second wall where there is a 30 inch access entry point into the second wall and would be repaired keeping in mind a state permit would have to be obtained. MacMillan asked if there was a breach would the tank need to be emptied. Barton replied yes. Mason asked what the gap was between the walls. Barton replied 1 ½ inches on a dry tank installation which this is. Major asked what would cause a tank to fail. Barton replied tanks do fail but not very much at this point. The tanks are pressurized, vented, alarmed and have automatic shutoffs a number of things would have to happen all at the same time for a tank to rupture with the current technology. Major asked could Mr. Morin under the current regulations replace, in-kind the current 10,000 gallon underground tank. Barton replied no under the current Hollis regulations the tank could not be replaced. However, Morin could leave the current tank in the ground upgrade the tank to the current regulations. Major noted the towns would gain the removal of a 30 year tank and the installation of a brand new tank with the most current technology and the trade off would be 6,000 gallons of fuel storage. Barton replied yes. Belanger asked if his company would be installing the new tank. Barton replied he is only the designer but there is a design review required that needs to be verified, stamped and signed off on prior to the installation. Belanger asked would his company be involved with the removal of the old tank. Barton replied yes the removal needs to be state permitted as well. Major asked do tanks get installed in the water table frequently. Barton replied yes if anything, it adds costs because the water needs to be pumped away.

MacMillan asked was there an above ground tank at the site currently. Morin replied no. MacMillan asked Morin was there ever an application submitted for an above ground tank which was withdrawn. Morin replied yes an application was submitted to the planning board for a 16, 000 gallon above ground and approved on July 15, 2015. MacMillan asked was the approved tank installed. Morin replied no after the approval he has completed intensive research and determined upon recommendations received an underground tank was the best way to complete the project due to space limitations and aesthetics and the footprint of an 16,000 gallon underground tank is much less. Major asked why Morin needed a 16,000 gallon tank rather than a 10,000 gallon tank. Morin replied his fleet has grown considerably since the installation of the current tank and would prefer to capture the reduced cost of fuel. MacMillan asked if there were separate tanks within the tank for the different types of fuel. Morin replied yes the tank is separated in increments of 10, 000 gallons, 3,000 gallon and 3,000 gallons.

Mason stated he has seen and heard about discussions with the state RSA's and the Hollis ordinance which are changing towards above ground tanks rather than underground installations. Mason asked Barton if he was aware of effort at the state level. Barton replied no and disagreed the Department of Transportation (DOT) has installed underground storage facilities at all of their facilities in the state. Belanger asked if the ZBA members read the letter submitted from Chief Towne. The members replied yes. Major asked if the applicant was agreeable to all of the recommendations and or conditions within Chief Towne's letter and if approval was granted would the applicant be opposed to incorporating the letter as a condition of approval. Cormier replied his client and Barton have reviewed the letter and they have no problems with any of the recommendation or conditions being attached to the approval.

Cormier described how the proposal meets the criteria for granting the variance request.

*The variance will not be contrary to the public interest;* because the reason the ordinance was created was the fear of single walled storage tank rupturing and leaking and contaminating the water supply. Those were good reasons back 30 years ago since tanks were leaking currently the technology has greatly improved and would comply with the public interests of protecting the aqua fir.

*The spirit of the ordinance is observed;* because the proposal includes the installation of modern double wall tanks with appropriate alarms and features to protect against spills, leakage, fire and associated risks.

*Substantial justice is done;* because the applicant is an industrial use which has developed and then the overlay zones were imposed on the property which is in conflict in running Morin's business and his needs.

*The values of surrounding properties are not diminished;* because it is an industrial property and would be an expected use. The installation of these tanks will not affect surrounding properties or adversely affect the neighborhood since most surrounding properties are industrial uses.

*Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship;* because the open space is limited and an above ground tank takes up considerable space. The business is all about visual presentation and appearance and the above ground tanks are aesthetically unpleasing. Inground tanks are less of a vehicle impact hazard because, the dispenser island allows for efficient fueling of multiple vehicles from both sides of the island

and therefore safer.

Cormier noted that the current ordinance is obsolete the ordinance should be applied to all areas within the town and the state, not just in the aquifer zone. The new technology has eliminated the concerns that the ordinance was intended to address. MacMillan has concerns on the installation of a 16,000 gallon tank being installed in the water table considering what has occurred in Litchfield over the Saint Gobain leak. What was released there was not the same but he has concerns regardless. Cormier replied section XII.4, performance standards, paragraph x, hazardous or toxic materials activities that engage in the handling and/or generation of hazardous and/or toxic materials shall demonstrate to the satisfaction of the planning board, through site plan review, the proper controls for the storage, handling, transportation are in place and maintained and conform to BMP's. Toxic storage is allowed but underground fuel tanks are not. The exemptions for toxic storage are underground storage tank systems and above ground systems for the storage of toxic materials are allowed as long as the system is in compliance with applicable state rules.

Major asked if the proposed tanks were the same size as a normal service station. Barton replied the size of the tank is determined by usage. A gas delivery usually comes in at 9,000 or 10,000 gallon loads the deliveries expected for this application would be 1,000 gallons at a time so the fuel keeps rotating and the tanks remain full to reduce water condensation. Major noted would it be safe to say that this operation would be half as small as a normal sized gas station. Barton replied yes. Mason asked how the monitoring system would work if an alarm was to go off. Barton replied the alarm would be routed to the monitoring console within the building. The console is designed to be in a manned space if an alarm were to happen after business hours it would be routed to a phone or modem. Morin agreed to have the alarm routed to his phone or anything that needs to be done which will establish a comfort level for the ZBA. Moore noted the letter from the fire department requires the establishment of protocols in the case of an alarm.

Cormier stated in closing, the proposal would be using the highest technology to date and will be removing the old 30 year tank. MacMillan asked would there be a fire suppression system installed at the site. Barton replied a fire suppression system is not required because the facility is not open to the public and the operation is never unmanned. MacMillan asked if there would be emergency shut offs installed in case a hose falls off or a pump get knocked down. Barton replied yes. Belanger asked if an earthquake or tremor occurred would the tank holdup. Barton replied seismic protection measures are not required in the permitting process within the state of NH.

#### **Spoke in favor of the application**

##### **Bill Moseley, 278 Depot Road**

Moseley stated he lives across the street from the site and as an engineer and neighbor he is comfortable with the technology and has no problems with the project as submitted.

##### **Todd Muller, 11 Main Street**

Todd Muller stated he is not for or against the proposal. His concerns are the systems do fail and asked what types of failures have been seen and what rectification is there in case something were to occur. Another concern is the tank is fiberglass and we live in a frost zone with expansion and contraction will the fiberglass tank be an issue in NH. Technology is a wonderful thing but it does fail. What would be the backup if the notification person was not available. The ZBA should consider a backup person or two set up on the notifications so if something was to occur there would be a safeguard in place. Muller agrees the proposal is a better system but safe guards need to be put in place.

Barton replied to Muller's concerns since his 25 years of experience he has never been involved with a complete rupture and a total release into the environment. In response to frost the tank would be at least 3 ½ feet below grade from the top of the tank and has a specific bedding material designed to be non-corrosive the tank does have a flexibility calculation built in and it will give, the piping materials are flexible as proposed in this application.

Moore read for the record the full letter received from Rick Towne, Fire Chief dated October 25, 2016 the letter stated Towne would prefer to have the tank inground rather than above ground and the letter also included a list of provisions that the applicant is required to follow. (see file for full letter)

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

The ZBA recessed at 8:15pm.  
Meeting was called back to order at 8:20 pm for deliberations.

**DELIBERATION AND DECISION**

**Case 2016-016**

Discussion of the application of Dennis Johnson, property owner, for a Variance to Section XA.1, Permitted Uses in the Agricultural and Business Zone of the Zoning Ordinance to permit a 768 square foot Accessory Dwelling Unit, located at 7 Main Street (Map 052, Lot 005) in the Agricultural and Business Zone.

MacMillan has no issues with the tattoo business relocating and is in favor of granting the variance for the ADU with the condition Moore stated in the previous testimony which the applicant agreed to. McGhee agreed noting the granting of the proposed variance would bring the property back to its original state. Moore reminded the ZBA of the suggested condition which the applicant agreed to; *“The current tattoo business shall be abandoned and the advertising sign shall be removed prior to the occupancy of the accessory dwelling unit.”* Major has a concern if the ZBA received an application for the construction a new ADU with the same layout, the ZBA could not approve the ADU under the current zoning regulations. McGhee noted in this case the ADU was pre-existing. MacMillan agreed and he felt it would be a net gain for the town.

*McGhee moved for a condition of approval;*

1. *The current tattoo business shall be abandoned and the advertising sign shall be removed prior to the occupancy of the accessory dwelling unit.*

*Mosley Seconded*

*Motion unanimously approved.*

*Major moved for a finding of fact;*

1. *The testimony established that the applicant previously obtained approval for the accessory dwelling unit prior to the current zoning requirements.*

*Mosley Seconded*

*Motion unanimously approved.*

**Questions - Variance**

- Question 1. The variance will not be contrary to the public interest  
 Question 2. The spirit of the ordinance is observed  
 Question 3. Substantial justice is done  
 Question 4. The values of surrounding properties are not diminished  
 Question 5a(1). No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property  
 Question 5a(2). And, the proposed use is a reasonable one.

Board Member	Question #1	Question #2	Question #3	Question #4	Question #5a(1)	Question #5a(2)	Total Yes	Total No
Gerald Moore	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Brian Major	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Rick MacMillan	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Kat McGhee	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Bill Moseley	Yes	Yes	Yes	Yes	Yes	Yes	5	0

**THEREFORE THE VARIANCE WAS GRANTED WITH THE FOLLOWING CONDITION AND FINDING OF FACT;**

**Condition:**

1. *The current tattoo business shall be abandoned and the advertising sign shall be removed prior to the occupancy of the accessory dwelling unit.*

**Finding of fact:**

1. *The testimony established that the applicant previously obtained approval for the accessory dwelling unit*

*prior to the current zoning requirements.*

## Case 2016-017

Discussion of the application of Thomas Morin, property owner, for a Variance to Section 1X.6b, Prohibited Uses in the Aquifer Protection Zone, Subsurface Storage of Petroleum of the Zoning Ordinance to permit the installation of a 16, 000 gallon in ground fuel storage tank, located at 301A Depot Road (Map 005, Lot002) in the Industrial Zone.

MacMillan stated the application is a net win for the town seeing the present 30 year old steel underground tank will be removed and replaced with a new tank which has all of the newest technology and safety equipment. Major has concerns about installing the tank below the water line. MacMillan noted the current technology has advanced in such a way with accurate monitoring systems, alarms and the permitting process is under strict scrutiny with vigorous state inspections and prior design signoff approval is required. McGhee agrees stating there is also DES approval process which needs to be followed as well. Moore stated if approval is granted a condition should be the applicant must follow all of the requirements specified in the letter dated October 25, 2016 received from the fire chief. The ZBA members agreed.

Belanger asked if the applicant was required to present the application to the planning board for approval. Cormier replied he was not sure but has instructed Morin to contact the planning board to find out. Mason questioned what would the hardship be for this application. Belanger replied the industrial zone pre-dated the APOZ which in-turn imposed restrictions on previous industrial uses. Major stated the ordinance was put in place initially because there where many steel tanks failing in the area which lead to the contamination of an entire site. The current technology has been updated in such a way, the fear of a tank ruptures is substantially less and our ordinance has not been updated to reflect the changes in technology. Mason noted the point made within the application concerning visual appearance should be a consideration. Above ground tanks are less desirable visually than an underground system

*Moore moved for the following condition of approval:*

1. *The applicant shall be in compliance with all of the requirements specified in the letter dated October 25, 2016 received from Richard Towne, Fire Chief.*

*Major Seconded.*

*Motion unanimously approved.*

Mason questioned whether or not the ZBA should consider a condition of approval pertaining to a multi layer emergency response notification seeing this was a concern of Muller. Moore replied there is a regulatory process on emergency procedures that need to be followed and he feels the procedures should be left to the regulatory individuals since they are the professionals in this area. The ZBA members agreed.

*Mason moved for the following finding of fact:*

1. *The application is replacing the current 30 year old steel inground fuel tank.*
2. *Fuel storage technology has advanced to the point that inground storage tanks are at least as safe as above ground storage tanks.*

MacMillan Seconded

*Motion unanimously approved.*

## Questions - Variance

- Question 1. The variance will not be contrary to the public interest  
Question 2. The spirit of the ordinance is observed  
Question 3. Substantial justice is done  
Question 4. The values of surrounding properties are not diminished  
Question 5a(1). No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property  
Question 5a(2). And, the proposed use is a reasonable one.

[illegible]

	#1	#2	#3	#4	#5a(1)	#5a(2)	Yes	No
Gerald Moore	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Brian Major	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Jim Belanger	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Rick MacMillan	Yes	Yes	Yes	Yes	Yes	Yes	5	0
Kat McGhee	Yes	Yes	Yes	Yes	Yes	Yes	5	0

**THEREFORE THE VARIANCE WAS GRANTED WITH THE FOLLOWING CONDITION AND FINDINGS OF FACT;**

**Condition:**

1. *The applicant shall be in compliance with all of the requirements specified in the letter dated October 25, 2016 received from Richard Towne, Fire Chief.*

**Findings of fact:**

1. *The application is replacing the current 30 year old steel inground fuel tank.*
2. *Fuel storage technology has advanced to the point that inground storage tanks are at least as safe as above ground storage tanks.*

**Other Business**

Discussion on ZBA zoning changes.

Moore and Belanger met with the planning board concerning the suggested changes to the elderly housing ordinance and they have requested that the ZBA submits their specific recommendations in writing so that they can be discussed during the December planning board meeting.

The ZBA also discussed the possibility of changes to the subsurface storage, section XI.6b and 7b.

The ZBA decided to discuss all zoning recommendations including adding the intent sections submitted by Mason at the next ZBA meeting.

**Review of Minutes**

*Belanger moves to approve the minutes of September 22, 2016*

*Seconded by Mason.*

*Motion unanimously approved with Major, MacMillan and Moseley abstaining.*

**Meeting Adjourned**

The ZBA meeting adjourned at 9:10 PM.

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