



**BOARD of ADJUSTMENT**

**Town of Hollis**

Seven Monument Square  
Hollis, New Hampshire 03049  
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**Minutes of March 22, 2018**

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

**MEMBERS OF ZONING BOARD OF ADJUSTMENT:** Brian Major, Chairman; Regular Members – Cindy Robbins-Tsao, Rick MacMillan, Susan Durham; Alternate Members – Kat McGhee, Bill Moseley and Meredith West.

Major explained the policies and procedures.

Major appointed West as a voting member this evening.

**Case ZBA 2018-002**

The application of Peter Bennett, Trustee of the Pauline Jonis Trust, for a Special Exception to Section XII, Nonconforming Uses, Structure and Lots, Paragraph A.3, Nonconforming Uses, Alterations of the Zoning Ordinance to permit the construction of up to 12 residential condominium units on the site, property owner Pauline A. Jonis Trust, located at 11 Federal Hill Road, Map 059, Lot 024, in the Recreational Zone.

**Case ZBA 2018-003**

The application of Peter Bennett, Trustee of the Pauline Jonis Trust, for a Variance to Section XF, Recreational Zone, Paragraph 3.a, Minimum Lot Area of the Zoning Ordinance to permit the construction of up to 12 residential condominium units on the site, property owner Pauline A. Jonis Trust, located at 11 Federal Hill Road, Map 059, Lot 024, in the Recreational Zone.

Major stated the Zoning Board of Adjustment received a request from Attorney Brad Westgate, Winer and Bennett, LLP to table Case ZBA 2018-002 and ZBA 2018-003. Major read the request for the record;

*“As you are aware, Winer and Bennett, LLP represents the trustees of the Pauline A. Jonis Trust and the Julius Jonis Trust. The trustees are the applicants under the applications for special exception and variance regarding Map 59, Lot 24 (11 Federal Hill Road). The applications are on the Zoning Board of Adjustment’s agenda for public hearing this evening.*

*As we discussed by phone today, we (at our end) discovered today that certain of the name and addresses for abutters we used from the on-line assessment data base had not been updated, resulting in approximately 7 abutter names and addresses being out of date. This was discovered by Randy Haight in updating owners’ names on the Hillsborough County Registry of Deeds web site.*

*Consequently, it is respectfully requested that tonight’s hearings on the applications for special exception and variance be continued to a date certain, specifically the Board’s next hearing and meeting date of April 26, 2018. We will determine with you the necessary re-notification and publication process.*

*I will appear tonight at the beginning of the meeting to confirm the Board’s action.*

*Our apologies to the Board and the abutters for any inconvenience.”*

*Tsao moves to table case ZBA 2018-002 and ZBA Case 2018-003 to the April 26, 2018 ZBA meeting.  
MacMillan seconded.  
Motion unanimously approved.*

**Case ZBA 2018-004**

The application of Back Bay Sign, for a Variance to Section XIV, Sign Ordinance, Paragraph P.5, A storefront should not have more than 2 signs, Paragraph P.7, Maximum 32 square feet allowed of the Zoning Ordinance to permit the installation of an additional 5.8 square foot sign located on the back wall of Harvest Market and modifications to the existing entrance sign, property owned by Phoenix Lane, LLC, located at 2 Market Place, Map 052, Lot 031, in the Agricultural and Business Zone.

Jason Parillo of Back Bay Sign presented ZBA Case 2018-004 on behalf of Harvest Market and Bank of America. Parillo stated the variance request is to allow Bank of America to install a 5.8 square foot wall sign on the rear of the Harvest Market building facing Ash Street and also to modify the existing freestanding sign to include Bank of America. The bank would like to install an ATM machine inside the Harvest Market since the Bank of America does not reside in freestanding building onsite at this time.

The size of the freestanding sign will not be increased just redesigned to include Bank of America and the additional wall sign is modest in size. (see file for design and location) The size and design of the signs are visually compatible with the surrounding neighborhood. Major asked in what ways are the signs not contrary to the public interests, with the understanding Hollis has a sign ordinance and the property is also located within the Historic District. Parillo replied the signs would benefit the public good by identifying the presence of an ATM within Harvest Market. The ATM will also provide a convenient resource to the public. Major asked would the freestanding sign remain the same size. Parillo replied yes. Major asked is the wall sign necessary and why is the wall sign not contrary to the public interests. Parillo replied because there are multiply structures within the plaza the wall sign guides to public to the location of the ATM. Tsao stated if the freestanding sign change was approved, wouldn't make sense the ATM is in Harvest Market. McGhee stated the proposed signs do not identify the presence of an ATM. Major asked would it be possible to modify the existing Harvest Market wall sign to include Bank of America. Parillo replied the suggestion could possibly be an option. Tsao replied Major's suggestion would be consistent with the freestanding sign.

Major asked how the proposal meets the spirit of the ordinance and not violate the spirit of the ordinance. Parillo replied the spirit of the ordinance is to prevent the plaza from having too many signs. The additional 5.8 square foot sign would not conflict with the ordinance. Major asked how substantial justice would be done. Parillo replied without signage the hardship to the bank would be the viability of the ATM. MacMillan asked where the ATM will be located. Parillo replied within the market. MacMillan asked will there be a sign on the ATM saying Bank of America. Parillo replied yes. Major asked has the HDC reviewed the proposal. Parillo replied the approval will be sought after the decision of the ZBA. Setaro stated she had explained to Parillo that HDC approval is required and even if the ZBA approves the variance, the HDC could deny the request. Major stated could the colors of the logo be muted down just like they were for Dunkin Donuts. Parillo replied they would not be happy but he has seen it in the past.

West stated since the sign does not identify just an ATM it would be reasonable to say the public would be looking for an actual full service bank. Parillo agreed however, current ATM's can accept deposits and do most everything an actual bank can. Major asked would should the ZBA consider as a hardship and asked if the bank still install the ATM without the additional signage. Parillo replied the bank would not install ATM without some type of signage, the signage is needed to make the ATM viable.

Moseley asked if both signs where needed. Parillo replied the freestanding sign is priority. Moseley asked if Bank of America had a stipulation that requires the secondary sign. Parillo replied no. Durham asked could the additional sign be located on the front of the Harvest Market. Parillo replied if the sign location was changed the sign would still need approval and during the application process it was noted

that the plaza had a master sign plan which needed to be address and that is why both signs where submitted for approval. Major stated in his opinion the freestanding sign could be modified as long as the square footage was not changing. The problem lies with the secondary sign, a sign could be placed within the plaza with less resistance. The ZBA agreed the submitted sign would actual create confusion since it does not say ATM and the placement of the secondary sign should be reconsidered by the applicant. Parillo stated he would like to request the ZBA table the application until the April 26, 2018 meeting.

Condra stated he would like to comment prior to the vote to table the application. The Market Place has 2 anchor stores located on the marquee sign and 14 individual tenant spaces. The approved master sign plan contains no provision for sub-lets of their signage allowance. The Harvest Market is sub-letting some interior floor space and the bank is asking to install a co-equal tenant signage package. Condra could envision the second anchor store being the new restaurant, they put in a sub-vendor and wants to add his sub-vendor to his existing sign. Also, as mentioned the art submitted with the application provides only the name of the bank and their logo. The expression “ATM” does not appear in the sign.

Parillo asked the ZBA if they would consider tabling the application to the April 26, 2018 meeting so that he could discuss the concerns of the ZBA with Bank of America.

*McGhee moves to table ZBA Case 2018-004 to the April 26, 2018 ZBA meeting.*

*Tsao seconded.*

*Motion unanimously approved.*

#### **Case ZBA 2018-005**

The application of Hollis Self Storage, property owner, for a Special Exception to Section XII, Nonconforming Uses, Structure and Lots, Paragraph A.3, Nonconforming Uses, Alterations of the Zoning Ordinance to permit the alteration of an existing office structure into office area and 1 apartment, located at 258 + 260 Proctor Hill Road, Map 011, Lot 025, in the Industrial Zone.

Chad Branon, Civil Engineer, Fieldstone Land Consultants, Milford, NH presented Case ZBA2018-005 on behalf of the property owner, Hollis Self Storage, LLC, Paul George.

Branon stated the application is seeking a special exception to alter an existing non-conforming use over tap map parcels 11-25. The subject property consist of approximately 3.27 acres of land and is currently occupied by two building and their associated site improvements. The building towards the front of site has historically been occupied by a commercial office building. The building at the front of the site is serviced by an on-site septic system located in the front yard area and is serviced by an access driveway on the west side, parking on the left side and additional parking towards the rear of the building. The second building on the site is located towards the back of the property and is a single family residential house. The septic system for this building is located in the back yard area and is serviced by an access to the north with parking on the north side of the building.

On February 20, 2018 the application was submitted to the Planning Board (PB) including the adjacent lot. At that time the PB approved the plans to develop both lots for a self storage facility. The approval included the renovation of the front building into office space and onsite managers apartment. The managers apartment will provided a level of security for the site and was an element the PB thought was favorable. Other improvements to the subject parcel would include; improved parking, landscaping and an outside storage area towards the back of the parcel. The proposal before the PB was razing the existing residential building at the rear of the parcel but only if we were allowed to convert the front building into an office/managers apartment. Shortly after the PB approval, building permits where submitted and at that time we were told a special exception would be required for the alteration of an existing non-conforming use since the parcel is located in the industrial zone where a residential use is not permitted. The proposed alterations that are being requested as part of the special exception consists of the addition of a managers apartment to the building at the front of the parcel. The subject property has

historically had residential and commercial uses with the residential house at the rear of the site and the office building at the front of the property. The internal renovations to the existing building would not involve any substantially different effect on the neighborhood. In our opinion this project and redevelopment proposed on the site will be an improvement to the neighborhood as we will make the property more conforming by removing the single family residential home from the industrial area. The managers apartment is really a component of the business as it provides for 24 hour security to the property. There will be no increase in heated living area in actuality the living space will be decrease by a substantial amount with the razing of the existing single family home. Major asked how much area within the structure would be the managers apartment. Paul George approached the ZBA and replied the apartment would be approximately 600 square feet and the office would be the same. Major asked would the apartment be restricted to an employee of the business. George replied yes. Major asked was it typical for a storage facility to have an on-site manager. George replied a 50 50 split he prefers to have a person on-site for control of the site especially with an open storage area. Major asked would the open storage area located in the back lot be for things like RV's and boats and was it George's desire to have someone on site to control the area from vandals and such. George replied yes. MacMillan asked would cameras be installed outside which will be monitored from the managers office. George replied yes.

Branon stated since the use will be less intense. The use will certainly not change the nature of the use in a negative way nor will it unduly change the neighborhood. In regards to the portion of the ordinance which deals with water quality, by razing the existing single family home at the rear of the site and eliminating one of the septic systems which exists in the site. Again, the proposal would be a less intense use then what currently resides on the property. The applicant went through an intense site plan review concerning water quality with the town's engineer, the project requires a storm water management system which will treat and infiltrate the storm water. With all the steps being taken it's our opinion we have met the criteria for granting the special exception. Major asked if the application is denied, would the single family home stay on the site. Branon replied yes we would move the office to that building. McGhee asked if the razing of the rear building would in fact include the removal of the septic system. Branon replied yes. Condra stated he had reviewed the proposal and in his opinion the proposal meets the criteria of the zoning ordinance. The lot would still be non-conforming however, the use will be substantially less than the current use. Major asked was the existing single family home occupied currently. Branon replied yes. Major stated a favorable argument could be there is a vested right on the property to continue the residential use of the property.

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

## **DELIBERATION AND DECISION**

### **Case ZBA 2018-005**

The discussion of the application of Hollis Self Storage, property owner, for a Special Exception to Section XII, Nonconforming Uses, Structure and Lots, Paragraph A.3, Nonconforming Uses, Alterations of the Zoning Ordinance to permit the alteration of an existing office structure into office area and 1 apartment, located at 258 + 260 Proctor Hill Road, Map 011, Lot 025, in the Industrial Zone.

MacMillan stated the proposal is a win-win for the town and people involved and finds no issues with the application the only condition that should be considered is the occupant of the on-site managers apartment be an employee of the Hollis Self Storage, LLC. The ZBA agreed.

*MacMillan moves for the following condition of approval;*

- 1. The occupant of the onsite manager's apartment, must be an employee of Hollis Self Storage, LLC or their successors.*

McGhee stated should the ZBA consider a condition that the septic system located at the rear of the property will be removed as stated by the applicant. The ZBA thought a condition was not needed since the applicant testified the septic system would be removed and it is also noted on the PB approved site plan.

*Major moves for the following findings of facts;*

- 1. The applicant established the provision for a manager's apartment is reasonable and is associated with the operation of a storage facility.*
- 2. The applicant established a pre-existing residential use of the property and the board finds there would be no substantial or different effect on the neighborhood should this application be granted.*

*Tsao moves to approve the single condition and the two findings of fact.*

*Durham 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	Question #2	Question #3	Total-Yes	Total-No
Major	Yes	Yes	Yes	3	0
Robbins-Tsao	Yes	Yes	Yes	3	0
MacMillan	Yes	Yes	Yes	3	0
Durham	Yes	Yes	Yes	3	0
West	Yes	Yes	Yes	3	0

**THEREFORE THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING  
CONDITION AND FINDINGS OF FACT:**

**Condition:**

- 1. The occupant of the onsite manager's apartment, must be an employee of Hollis Self Storage, LLC or their successors.*

**Findings of Fact:**

- 2. The applicant established the provision for a manager's apartment is reasonable and is associated with the operation of a storage facility.*
- 3. The applicant established a pre-existing residential use of the property and the board finds there would be no substantial or different effect on the neighborhood should this application be granted.*

**Review of Minutes**

*McGhee moves to approve the minutes of January 25, 2018 as written.*

*Seconded by Tsao.*

*Motion unanimously approved with MacMillan and Durham abstaining.*

**Meeting Adjourned**

The ZBA meeting adjourned at 8:00 pm.

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