



ZONING BOARD of ADJUSTMENT
Town of Hollis
Seven Monument Square
Hollis, New Hampshire 03049
Tel: (603) 465-2209 Fax: (603) 465-3701

Minutes of September 24, 2020 Meeting

The meeting was held via Zoom and called to order by Chairman Brian Major at 7:10 pm.

Due to the Coronavirus crisis, and in accordance with Governor Sununu's Emergency Order #12 pursuant to Executive Order 2020-04, the Zoning Board of Adjustment is using the Zoom platform to conduct this meeting electronically. The public is encouraged to listen and/or participate via Zoom.

MEMBERS OF ZONING BOARD OF ADJUSTMENT: Brian Major, Chairman; Jim Belanger, Vice Chairman; Regular Members – Cindy Robbins-Tsao, Rick MacMillan and Drew Mason; Alternate Members – Kat McGhee, Bill Moseley, Meredith West.

Major explained the policies and procedures.

Tsao recused herself from Case 2020-014.

Major said he would not be voting on the Case 2020-014, but he would participate. The voting members were Belanger, MacMillan, Mason, McGhee and Moseley.

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for Case 2020-014.

Case ZBA 2020-014

The application of Christopher and Rachel McEleney for a Variance to Section IX, Paragraph J. Number of Residential Units Which May Be Constructed on a Lot of the Zoning Ordinance to permit the extension of the occupancy of a mobile home on a single lot with another dwelling for an additional three years. The original variance was approved on September 28, 2017 (Case 2017-012), property owned by Joan Cole, located at 54 & 54A Wheeler (Map 024, Lot 010) in the Residential/Agricultural Zone.

Major said Belanger had a procedural issue to discuss before hearing the case. Belanger said the ZBA heard this case in 2017 and found all criteria for the variance were present, and the ZBA granted the variance for a period of 3 years. The applicants are here because the variance is set to expire. Belanger suggested making a motion to approve the first four criteria of the variance in a single vote, and thereafter the ZBA could vote on the hardship criteria under RSA 674:33.V.

Discussion

Major said the Board should hear the case to establish the criteria under RSA 674:33.V as the conditions may have changed since the prior approval. If they have not changed, the ZBA would be required to approve the current variance as it is bound to the requirements of RSA 674:33.V. Mason asked the effect if Belanger's motion were approved. Belanger replied the first four criteria of RSA 674:33.I(b) would be approved in a single vote. Then the ZBA would determine whether there was a continuing need under RSA 674:33.V and vote on the hardship criteria.

Major said if the variance were approved without the 3-year time limit, the approval would become an enforcement issue; and he felt returning for additional 3-year extensions would not be a big inconvenience. West disagreed saying that each application required preparation, notices and associated fees. Major asked why was there a time limit attached to the previous approvals. Belanger was unsure, but that RSA 674:33.V has no such requirement. Instead, RSA 674:33.V(b) states; *"In granting any variance pursuant to this paragraph, the zoning board of adjustment may provide, in a finding included in the variance, that the variance shall survive only so long as the particular person has a continuing need to use the premises."* Belanger felt the application is identical to the previous variance; and under RSA 674:33, the applicant does not need to present the case. MacMillan and West agreed.

The ZBA discussed whether to impose a time limit condition and agreed it would not be necessary under the circumstances as they felt the applicant would not abuse the approval.

Belanger moves to approve all the criteria listed in the application except for the hardship criteria.

MacMillan seconded.

The motion was passed unanimously by roll call vote.

Belanger moved that the ZBA grant the variance under the terms of RSA 674:33.V so long as the applicant has a continuing need.

MacMillan seconded.

The motion was passed unanimously by roll call vote.

MacMillan motioned to move to the questions.

Moseley seconded.

The motion was passed unanimously by roll call vote.

Belanger said the motion granting the variance as long as there was a continuing need was approved.

MacMillan withdrew his motion.

R. McEleney thanked the ZBA for the approval and said Chris was making progress with his recovery. She offered to submit medical information on his condition. Major said this would not be required. The only requirement is McEleney needs to contact the building department when the need no longer exists, and the trailer is removed.

Review of Minutes

Belanger moved to approve the minutes of August 27, 2020 as submitted.

MacMillan seconded.

The motion was unanimously approved.

Other Business

October 6, 2020 Meeting with Planning Board

Mason asked why the ZBA was meeting with the Planning Board on October 6, 2020. Moseley replied the meeting is a work session to discuss potential zoning changes. Belanger said he would be presenting the prior requested zoning change concerning relief from side yard setbacks to require an applicant obtain a special exception instead of a variance.

30-day Appeal Timeframe

Per her offer at last month's meeting, Setaro contacted the members of the New Hampshire Building Official Support Staff group who also supported their towns' ZBA regarding their ZBA's appeal timeframe. The members who replied all said that their ZBA have a 30-day appeal period. Major said the 30-day appeal timeframe should stand to provide some finality to the applicant.

Meeting adjourned at 7:30 pm.

Respectfully submitted by:

Donna Lee Setaro, Building and Land Use Coordinator
Hollis Zoning Board of Adjustment