



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

Minutes of January 28, 2021 Meeting

The meeting was held via Zoom and called to order by Chairman Brian Major at 7:00 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 used the Zoom platform to conduct this meeting electronically. The public was 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, and Stan Swerchesky.

Major explained the policies and procedures.

Moseley recused himself from cases ZBA 2020-015 and ZBA 2020-016.

Major said the voting members for cases ZBA 2020-015 and ZBA 2020-016 are Major, Belanger, Tsao, MacMillan and Mason.

Case ZBA 2020-015

The application was tabled at the December 17, 2020 meeting. **ZBA Determined There May Be Regional Impact.** The application of Contractor Storage Solutions LLC, property owner, for a Variance to Section X, Zoning District, Paragraph G.1, Permitted Uses of the Zoning Ordinance to modify its 2018 variance approvals (Cases ZBA 2018-021 & 022) to remove Condition #5 "No exterior storage of heavy equipment" to allow outside storage at the property and to expand its the hours of operations set by the Planning Board (PB) to allow 24-hour access. The property is located at 143+145 Runnells Bridge Rd. (Map 004, Lot 064) in the Residential Agricultural Zone.

Case ZBA 2020-016

The application was tabled at the December 17, 2020 meeting. **ZBA Determined There May Be Regional Impact.** The application of Contractor Storage Solutions LLC, property owner, for a Variance to Section XI, Overlay Zoning District, Paragraph A.5, Permitted Uses in the Aquifer Protection Overlay Zone of the Zoning Ordinance to modify its 2018 variance approvals (Cases ZBA 2018-021 & 022) to remove Condition #5 "No exterior storage of heavy equipment" to allow outside storage at the property and to expand its the hours of operations set by the PB to allow 24-hour access. The property is located at 143+145 Runnells Bridge Rd. (Map 004, Lot 064) in the Residential Agricultural Zone.

Major said the ZBA received a request to table cases ZBA 2020-015 and ZBA 2020-016 until the March 25, 2021 meeting. Major asked Attorney Andrew Prolman if that was his intention. Prolman replied yes.

*Belanger moves to table Cases ZBA 2020-015 and ZBA 2020-016 until the March 25, 2021 ZBA meeting.
MacMillan seconded.*

Roll call vote:

Major – Yes Belanger – Yes Tsao – Yes MacMillan – Yes Mason - Yes

The motion was unanimously approved.

Major said he would be participating in the discussion for ZBA 2021-001 but would not be voting on the case. Major said the voting members for case ZBA 2021-001 are Belanger, Tsao, MacMillan, Mason and McGhee.

Case ZBA2021-001

The application of Alvaro Soares, property owner, for a Special Exception to Section IX, General Provisions, Paragraph K, Accessory Dwelling Units to construct a 640 square foot Accessory Dwelling Unit, located at 59 Runnells Bridge Rd. (Map

010, Lot 006) in the Recreational Zone.

Alvaro Soares stated my wife and I (owners of the property) have been entrusted with the guardianship of my adult special needs brother-in-law, who is living with us at 59 Runnells Bridge Rd. Because of his degree of autism, medical professionals have advised that his own separate quarters separate from the rest of the larger family can greatly reduce anxiety / stress / health burden. Thus, we would like to afford him a space where he could have some separation while still being under our roof and care. This accessory dwelling Unit (ADU) would allow for this to happen and greatly improve his day-to-day life.

The plans attached show where the ADU would be located within the home's current envelope no exterior build out will be necessary. The ADU will be located in an area of the home previously used as a multi-room home office space. The space as it stands today is already finished and heated.

The ADU will consist of a kitchen, bathroom, small office, and bedroom. The ADU will have an external entrance and will share a heated wall with the main home. There is ample off-street parking space in the property, as well as ingress / egress for cars. The changes proposed will not modify the current style and character of the home. There will be no exterior build outs being proposed that would alter the exterior image of the home.

As a bedroom is being added to the total count for the home, an updated septic design is also being submitted to the town of Hollis on or before the deadline for this application, for review and approval by town and state. As requested by town officials, the ADU shall have a separate number (59A). A pre-inspection of the space was conducted and passed by Town Inspector Bill Condra, along with the Fire Department on Jan 7, 2021 (pre-inspection notice attached for reference). Expected square footage of ADU is 640 square feet. The dimensions used to calculate square footage account for exterior wall thickness wherever an exterior wall is present. The square footage calculation is round up to the nearest square foot.

Major asked if the ADU was not being used at one point how would the re-incorporation back into the primary dwelling be done. Alvaro replied the kitchen could be removed and the area could be used as an additional family room.

Belanger asked where the shared heated wall was between the primary unit and the ADU. Soares replied there was an access door leading to the heated great room of the primary unit and the new bathroom for the ADU shares a wall with the primary unit's heated gym area. Belanger asked was there any substantial changes being done to the exterior of the structure. Soares replied no however, a new entrance door will be installed to replace the existing door. Belanger asked was the second floor attic area heated. (primary dwelling side) Soares replied no. Belanger asked was there access to the attic area from the second floor bedroom. Soares replied no.

McGhee asked was the current septic system adequate for the additional bedroom. Soares replied a new septic 5 bedroom system was designed and approved by the town and state in the event the current septic system fails. McGhee asked is the new septic being installed to accommodate the 5 bedroom. Soares replied the regulation states the new systems just needed to be designed and approved by the town and state. The system does not have to be installed at this time. MacMillan agreed.

Swarchesky asked what the total square footage of the existing home was. Soares replied roughly 4,179 square feet. MacMillan asked would it be difficult to install an access to the attic area in case that is required. Soares replied no a door can be added if required. The ZBA discussed the attic access whether or not a door would be required, noting the attic area is not considered heated living space. The ZBA decided the issue should be discussed during the deliberation session. Condra said if there was access to the primary dwelling attic area from the ADU that space would have to be calculated into the total ADU square footage which in-turn would disqualify the ADU based on the total square footage.

Mason asked was the current septic system adequate for the primary and ADU dwelling. MacMillan replied no, there is a 5 bedroom plan approved which would be implemented in case the current septic fails. Tsao asked was a septic inspection completed at the time of purchase. Soares replied yes the inspection found no issues. The ZBA discussed the septic and agreed as long as a new 5 bedroom septic was approved by the town and state it meets the requirement.

No further questions from the Board and none from the floor – hearing portion of the case closed

DELIBERATIONS AND DECISION

Discussion of the application of Alvaro Soares, property owner, for a Special Exception to Section IX, General Provisions, Paragraph K, Accessory Dwelling Units to construct a 640 square foot Accessory Dwelling Unit, located at 59 Runnells Bridge Rd. (Map 010, Lot 006) in the Recreational Zone.

MacMillan asked if Belanger had any reservation concerning the second floor heated space. Belanger replied if the second floor space was heated and being used as living space for the primary dwelling Belanger would insist there was an access to that space. In this case, the area is an unheated attic for the primary unit Belanger felt an access was not required. MacMillan agreed. Mason said the ZBA should consider findings concerning the septic system. Major said the septic system requirement in the past has always been interpreted that as long as a new septic design was approved, the new system was not required to be implemented until the current system failed. It was the opinion of MacMillan that findings were not necessary since the new septic system design met the requirement of the ordinance. The ZBA discussed whether or not to have findings attached to the approval and most members agreed having findings may be useful for future purchasers.

Mason moved for the following finding-of-fact;

1. *The Board finds based on the testimony the current septic system is adequate for the existing home and accessory dwelling unit.*

Belanger seconded.

Roll call vote:

Belanger – Yes Tsao – Yes MacMillan – Yes Mason – Yes McGhee – Yes

The motion was unanimously approved.

Mason moved for the following finding-of-fact;

2. *The Board finds the owner has on file an approved 5 bedroom septic in case the current septic system fails.*

Belanger seconded.

Roll call vote:

Belanger – Yes Tsao – Yes MacMillan – Yes Mason – Yes McGhee – Yes

The motion was unanimously approved.

Belanger moved for the following finding-of-fact;

3. *The Board finds that since the adjoining area of the main dwelling on the second floor is an attic, provisions of RSA 674-72:III do not apply.*

MacMillan seconded.

Roll call vote:

Belanger – Yes Tsao – Yes MacMillan – Yes Mason – Yes McGhee – Yes

The motion was 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
Belanger	Yes	Yes	Yes	3	0
Tsao	Yes	Yes	Yes	3	0
MacMillan	Yes	Yes	Yes	3	0
Mason	Yes	Yes	Yes	3	0
McGhee	Yes	Yes	Yes	3	0

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

Findings of Fact:

1. **The Board finds based on the testimony the current septic system is adequate for the existing home and accessory dwelling unit.**
2. **The Board finds the owner has on file an approved 5 bedroom septic in case the current septic system fails.**
3. **The Board finds that since the adjoining area of the main dwelling on the second floor is an attic, provisions of RSA 674-72:III do not apply.**

Other Business

Discussion regarding the determination of regional impact

Major thanked West for putting together the information regarding the predetermination of regional impact. Mark Fougere, Hollis Planner, said the RSA is clear the ZBA needs to determine regional impact during a public hearing. Fougere said he understands the reasoning behind having staff do a preliminary determination however, some applications come in the day and afternoon of the application deadline and timing could be an issue.

The ZBA discussed the timing issue and decided that in those cases, the applicant would be told at that time a preliminary determination can't be made and the required extra notifications could not go out in the allotted time frame. Those cases would be determined at the next regular meeting and the case would be tabled until the following meeting so that the extra notification can be sent.

The ZBA decided to have staff make a preliminary determination, send out the additional notices at the applicants' expense. The ZBA would officially vote on the regional impact determinations during the public hearing and either way the vote goes the case could be heard during the public hearing. The procedure would eliminate the potential tabling of cases to the next public hearing. If a project is determined to have a regional impact, the ZBA should include findings-of-fact during the voting process.

Review of Minutes

*Belanger moved to approve the minutes of December 17, 2020, as submitted.
MacMillan seconded.
The motion was unanimously approved.*

Meeting Adjourned

The ZBA meeting adjourned at 8:00 pm.

Respectfully submitted by:

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