



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

Minutes of February 25, 2021 Meeting

The meeting was held via Zoom and called to order by Chairman Brian Major at 7:05 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.

Major explained the policies and procedures.

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

Major said the voting members for Case ZBA 2021-002 are Belanger, Tsao, Mason, Moseley and West.

Determination of Regional Impact

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for Case ZBA2021-002.

The case number was read into the record as ZBA2021-001, which was a typo on the agenda given to the Chairman. The actual case number is ZBA2021-002.

ZBA2021-002

The application of Cook Custom Homes, property owner, for a Special Exception to Section XII: Non-Conforming Uses, Structures and Lots, Paragraph B.4 Non-Conforming Lots, to construct a 2,549 square foot single-family home on a non-conforming lot (.50 acres) within the Historic District, located at 54 Main St. (Map 050, Lot 032) in the Town Center Zone.

Tom Cook said he recently purchased the 54 Main Street property and was requesting approval by Special Exception to construct a 2,549 square foot single-family home on the lot. The previous home was condemned and has been taken down.

The previous home was sited 17 feet (left corner) from the road and 22 feet (right corner) from the road. The proposed home would be sited 25 feet (left corner) from the road and 25 feet (right corner) from the road. The actual measurements from the property line of the previous home were 5 feet (left corner) and 10 feet. (right corner) The proposed home will maintain a 12.5-foot setback from the property line and the attached garage will maintain of 22.5 setback from the property line. The relocation of the new home will create better curb appeal, provide a safer setback from the road and will be consistent with the current front setbacks of several homes in the surrounding area. Since the driveway location is changing, a State of NH driveway permit has been approved and issued. A new septic design has been completed and approved by the Town and State.

Major asked what were the actual footprints of the old house and proposed house. Cook replied the proposed house is 2,549 square feet and the old house was roughly 2,300 square feet. Major asked if the proposed house could be set back further from the road. Cook replied the lot is small and he would like to maximize the backyard area. Major asked was there adequate parking and what was the existing septic system. Cook replied there was adequate parking, and the existing septic has been removed and a new septic system has been designed and approved by the Town and the State. Swerchesky asked where the water supply was. Cook replied a new well would have to be drilled. Swerchesky asked would the new well be placed far enough away from the septic system. Cook replied yes.

Belanger asked how many bedrooms would be in the new home. Cook replied four bedrooms. Belanger asked if Cook owned the property or was the property under a purchase agreement. Cook replied he purchased the property with the vision he would build a home that would serve as a gateway to the Hollis Historic District.

Mason asked when the previous home was demolished. Cook replied August 2020. Mason asked if Cook has been to or is required to submit an application to the Planning Board (PB) or the Historic District Commission (HDC). Cook replied pending the outcome of this meeting, HDC approval would be required. However, PB approval is not required. Cook said he was the Chairman of the HDC and will recuse himself from his case which is scheduled for March 4, 2021.

Swerchesky said the plan shows an existing well that was installed in 2014 which lies outside the property lines. Cook replied that was the neighbors' well. Swerchesky said the proposed septic tank falls within 60 feet from the neighboring well. Cook replied the septic tank can be located within the 75-foot radius of a well. However, the leach field is required to be outside the 75 feet, and it is. Swerchesky asked would an aeration chambers system be used or something similar. Cook replied the septic is a pretreatment system specially designed for smaller applications.

Major asked if there were wetlands towards the back of the property. Cook replied yes, there was a small brook that runs towards the back of the property. West said she agrees with the 25-foot street setback to maximize the backyard. McGhee said the proposed front setback is in line with the neighboring homes on Main Street.

Major asked if the old footprint was roughly 2,300 square feet and the new footprint would be 2,549 square feet. Cook replied yes. Major asked if the old house was a story and a half and would the new one be a story and a half. Cook replied yes. Major asked if the old and new houses were both three bedrooms. Cook replied he thinks the old house had 3 bedrooms, but he was not sure. The new house will have four bedrooms. Major asked if the difference between the square footage of the old house versus the new one was primarily due to the new garage. Cook replied yes.

Swerchesky said a letter in the application stated the new house's setback from the property line was 12.5 feet, but the plan submitted shows the measurements from the edge of the road. Swerchesky asked the members whether there should be a plan on record that shows the property line setback, which is what the ZBA is granting relief from if approved. Cook replied a certified plot plan is required during the permitting process.

Belanger said to correct the record, the demolished home is the same as the current home located at 5 Broad Street, which is a two-bedroom home.

McGhee said she agrees with Swerchesky's concern about the property line setback not being on the submitted plan and, if approved, the ZBA may want to consider a condition of approval concerning the setback.

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

DELIBERATIONS AND DECISION

Discussion of the application of Cook Custom Homes, property owner, for a Special Exception to Section XII: Non-Conforming Uses, Structures and Lots, Paragraph B.4 Non-Conforming Lots, to construct a 2,549 square foot single-family home on a non-conforming lot (.50 acres) within the Historic District, located at 54 Main St. (Map 050, Lot 032) in the Town Center Zone.

The ZBA discussed the application and most of the members had no issues with the case. Mason brought up there may have been an issue with the additional bedroom count and the larger footprint. However, the new and approved septic system meets the requirements of the ordinance. Mason also agreed a condition of approval should be imposed concerning the setbacks.

Swerchesky moved for the following condition:

- 1. The proposed Single-Family Home shall be no closer than 12.5 feet from the property line.*

Moseley seconded.

Roll call vote:

Belanger – Yes Tsao – Yes Mason – Yes Moseley – Yes West – Yes

The motion was unanimously approved.

Mason moved for the following finding-of-fact:

- 1. The Board finds the prior use of the property is being maintained and the proposed Single-Family Home is no closer to the road than the previous structure.*

Belanger seconded.

Roll call vote:

Belanger – Yes Tsao – Yes Mason – Yes Moseley – Yes West - 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 |
| Mason | Yes | Yes | Yes | 3 | 0 |
| Moseley | Yes | Yes | Yes | 3 | 0 |
| West | Yes | Yes | Yes | 3 | 0 |

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING CONDITION AND FINDING-OF-FACT:

Condition

1. The proposed Single-Family Home shall be no closer than 12.5 feet from the property line.

Finding-of-Fact

1. The Board finds the prior use of the property is being maintained and the proposed Single-Family Home is no closer to the road than the previous structure.

Review of Minutes

Belanger moved to approve the minutes of January 28, 2020, as submitted.

Moseley seconded.

The motion was unanimously approved.

Meeting Adjourned

The ZBA meeting adjourned at 7:40 pm.

Respectfully submitted by:

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