



ZONING BOARD of ADJUSTMENT
Town of Hollis
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Minutes of May 27, 2021

The ZBA meeting was held in the Community Room, Hollis Town Hall, and was called to order by Chairman Brian Major at 7:05 pm.

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

Election of Officers

Moseley nominates Major to serve as Chairman. Seconded by Tsao. There were no other nominations.

Major nominates Belanger to serve as Vice Chairman. Seconded by Moseley. There were no other nominations.

Moseley nominates McGhee to serve as Clerk and MacMillan to serve as secondary Clerk. Seconded by Belanger. There were no other nominations.

Major explained the policies and procedures.

Major said the voting members for each case were as follows;

ZBA 2021-003 - Major, Belanger, Tsao, MacMillan and Moseley.

ZBA 2021-006 - Belanger, Tsao, MacMillan, Mason and Moseley.

ZBA 2021-007 – Belanger, Tsao, MacMillan, Mason and Swerchesky.

Case ZBA 2021-003

Motion for Rehearing-The application of John Halvatzes, Jr., for a Variance to Section XG, Zoning District, Paragraph 4.b, Minimum Frontage on a public road of the Zoning Ordinance to permit the construction of a Single Family Home with 128.51 feet of frontage (required 200 feet) located on Broad Street (Map 026, Lot 048) in the Residential/Agricultural Zone.

MacMillan said the aspects of the case have not changed, no new evidence presented. The Zoning Board of Adjustment (ZBA) historically does not grant a motion for re-hearing without new evidence being presented. The case has been reviewed several times and the last vote was reconsidered at the last meeting. MacMillan felt the re-hearing should not be granted.

Belanger reminder all that a motion to "reconsider" the last vote on the case was entertained. The last vote was "reconsidered" and the results were the same; the case failed. Belanger felt there was no reason to further discuss the case or to grant the re-hearing. Tsao, Moseley, Swerchesky and McGhee agreed.

Major said the last vote was split. There are two purposes for a motion for re-hearing; one to correct factual errors and take new evidence which was not available at the time of the hearing and second is to correct a mistake made by the ZBA. Major said to be consistent with his prior vote. Major would vote to re-hear the case.

Mason said the appeal reflects RSA 674:33 I (a) (2) (B) which Mason was unable to find and could the reference be a typo. McGhee said 674:33 (2) (B) states the spirit of the ordinance is observed. The appeal is going over the grounds on which the findings were based on. Belanger said 674:33 reflects the powers of the ZBA to hear and

decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted. No further discussion.

The ZBA voted to re-hear ZBA 2021-003 and the results follow:

Board Member	Yes	No
Major	Yes	
Belanger		No
Tsao		No
MacMillan		No
Moseley		No

Motion for re-hearing failed 4-1

The Zoning Board of Adjustment (ZBA) voted unanimously that case ZBA2021-006 and ZBA2021-007 have no regional impact.

Case ZBA 2021-006

The application of Joseph Mann, for a variance to Section XI, Overlay Zoning, Paragraph A.6.g, Prohibited Uses, Auto Service and/or Repair Shop of the Zoning Ordinance to permit the modification to a structure previously approved on May 27, 2010 (2010-10) located at 98+98A Runnells Bridge Road, property owned by Alice Mann, (Map 005, Lot 026) in the Commercial Zone.

Mann said the application is requesting a modification to the structure approved on May 27, 2010. (2010-10) The prior variance was approved with a condition that the structure had a one (1) foot knee wall installed. The proposed structure has been modified from a wooden structure to a metal structure. The structure would be sealed with a tapered guard, which is a $\frac{3}{4}$ inch tape that goes under the wall and T-Bones the seal. Prior to the structure being installed the concrete pad would be sealed with a radon seal which is environmentally safe and penetrates into the concrete creating a double seal. After the building is installed, the walls will be rhino-coated one (1) foot up the inside walls creating a barrier which is better than the previously approved knee wall.

Major asked Mann to explain his business. Mann replied the business is an auto welding shop. The shop repairs vehicle rockers, floors, quarter panels and any other metal items on a car which would inhibit the vehicle from passing the state inspection. Major asked was there a wooden structure currently. Mann replied no, there is a slab with sealed walls where Mann does some work. The business is not fully operational at this time. Mann said he has been waiting to save enough money to build the structure and found he could purchase a metal structure, which is better than a wooden structure in his line of business. The proposed 41' x 30' metal sealed structure with two bay doors equals the previously approved structure.

Major said Mann received a variance in 2010 for the business and the variance was not acted on. Major asked was there any business activity on the property in the last 10 years. Mann replied some work has been going on but not a full running business. The structure needs to be built to run the business fully. Major asked if the previously approved application was a wooden structure. Mann replied the type of structure was not discussed previously however, when knee walls are discussed it usually means the structure would be wooden.

Major asked Mann was the application approved by the Planning Board (PB) in 2010. Mann replied no. Major asked staff if they were aware of the activities on the property for the last ten years. Condra replied no. Setaro replied Mann told Setaro he was working on some small projects on an existing concrete pad. Mann did not present an application to the PB in 2010. Mann told Setaro he was accumulating the money to have the structure installed. Belanger asked Mann what was the difference between the present application and the previously approved application. Mann replied the difference was the type of building, metal vs. wood without the required knee wall. Belanger stated there were seven (7) conditions set in 2010. Would any of the conditions need to be

changed? Mann replied only condition six (6) dealing with the one foot impermeable sidewalls. (knee wall) and that all others conditions would be followed.

Belanger asked what the problem was with installing a knee wall in the proposed structure. Mann replied a knee wall can't be installed with a metal pre-fabricated building, the structure needs to sit directly on a pad. Belanger asked could the knee wall be installed inside the steel structure. Mann replied yes, if required. The structure could be built and a knee wall could be poured along the inside and be sealed if required. However, the structure would be sealed one (1) foot up the inside walls and the pad would have a radon seal installed. Mason asked would sealing the walls one (1) foot up the inside walls be the same as a knee wall. Mann stated in his opinion the sealing would be 10 times better. MacMillan asked what type of sealer was being proposed. Mann replied Rhino coating. MacMillan said Rhino coating would be just as good as a knee wall.

Major said PB approval would be required and the PB would determine if the sealers would be effective if a spill was to occur. MacMillan asked what were the preventive measures being put in place in case a spill occurred in the doorways. Mann replied hunches would be placed in front of the doorways. Major asked would there be any chemicals stored in the building. Mann replied no and in case a spill happens when removing a gas tank and such. The walls and floors would be sealed to prevent any spillage from going into the aquifer. Tsao asked would there be any painting done on site. Mann replied no.

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

Case ZBA 2021-007

The application of Eric Dupler, for a Special Exception to Section XII, Non-Conforming Uses, Structures and Lots, Paragraph C, Non-Conforming Structure of the Zoning Ordinance to permit the construction of a 576 square foot, second story addition, property owned by Susan Farr & David Conner, located at 52 Flint Pond Dr., (Map 057, Lot 042) in the Recreational Zone.

Nate Dupler presented the case on behalf of Dave Conner, property owner. N. Dupler explained the property owner would like to construct a second story addition located over the existing garage. The addition would be used for additional storage.

Dave Conner, property owner, said the existing home was built in the 30's, twenty five (25) feet from the property line. The attached garage with a flat roof is located behind the home. The 24' x 24' second story addition would be constructed on the flat roof and designed to be consistent with the existing home. There are two main reasons for the addition; to obtain additional storage and to eliminate the need to shovel off a flat roof in the winter.

Major asked would the interior of the addition be finished. Conner replied the addition would have a rough interior with the possibility of insulation. Major asked would the addition have heat and was there access to the addition from the house. Conner replied no, currently there is a sliding door on the second floor leading to the flat roof that door would be removed eliminating access from the house. MacMillan asked why the storage addition would need to be insulated. Conner replied there may be a small work shop in the area and it would be warmer if the area was insulated. MacMillan asked would there be any footprint expansion. Conner replied no.

Mason asked was would there be any plumbing installed. Conner replied no. Major said if the variance is granted, would Conner be opposed to a condition of approval stating that the area above the garage shall not be used as living space. Conner replied no.

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

DELIBERATIONS AND DECISION

Case ZBA 2021-006

The application of Joseph Mann, for a variance to Section XI, Overlay Zoning, Paragraph A.6.g, Prohibited Uses, Auto

Service and/or Repair Shop of the Zoning Ordinance to permit the modification to a structure previously approved on May 27, 2010 (2010-10) located at 98+98A Runnells Bridge Road, property owned by Alice Mann, (Map 005, Lot 026) in the Commercial Zone.

The ZBA members discussed whether or not to treat the application as a modification for the original approval granted in 2010 or a new case. The ZBA decide to treat the application as a modification to the original approval since the only change was the style of the structure from wood to metal. Since the previously approved variance has no time limits, the ZBA felt sealing the structure's walls one (1) foot up from the floor, sealing the floor and the installation of hunches in front of the doors would produce the same outcome as the original approval.

Belanger moves to approve the application as a modification to the original approval granted on May 27, 2010. (2010-10)
Moseley seconded.

Motion unanimously approved.

Belanger moves to impose conditions 1 – 5 & 7(condition #7 would be renumbered as condition #6) from the original approval granted on 5/27/2010. (2010-10)

Newly imposed are as follows;

- 1. No painting or use of any liquid chemicals or solvents shall be permitted on the subject property in conjunction with the use of the property as a welding shop.*
- 2. All commercial uses of the property will be for the purposes of operating a welding shop.*
- 3. All customer vehicles and work on said vehicles shall be done indoors*
- 4. Hours of operation to be 9:00 AM to 5:00 PM Monday through Friday and 9:00 AM to Noon on Saturday.*
- 5. All materials and debris to be stored in the building.*
- 6. A dam shall be in place at the entrance to insure that liquids cannot flow out of the building.*

MacMillan seconded.

Motion unanimously approved.

MacMillan moves for a condition of approval;

- 7. The entire floor and one (1) foot up the inside walls shall be sealed with an impervious coating resistant to automotive liquids.*

Belanger seconded.

Motion unanimously approved.

Belanger moves to impose the two findings-of- fact from the original approval granted on 5/27/2010. (2010-10)
Original findings-of-fact were as follows;

- 1. While the applicant's proposed use may be considered to be an "automotive service and/or repair shop" within the meaning of the Ordinance, testimony introduced by the applicant establishes that this proposed use is only as a welding shop, and approval is limited to that use.*
- 2. A site plan, approved by the Planning Board, shall be required prior to the issuance of a building permit.*

McGhee seconded.

Motion unanimously approved.

Case ZBA 2021-007

The application of Eric Dupler, for a Special Exception to Section XII, Non-Conforming Uses, Structures and Lots, Paragraph C, Non-Conforming Structure of the Zoning Ordinance to permit the construction of a 576 square foot, second story addition, property owned by Susan Farr & David Conner, located at 52 Flint Pond Dr., (Map 057, Lot 042) in the Recreational Zone.

The only issue the ZBA had with the application was that the second story addition being used for additional living space.

Belanger moves for a condition of approval;

- 1. The added space above the garage shall not be used as living space.*

MacMillan 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 with the specified conditions and restrictions?

Board Member	Question #1	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
Swerchesky	Yes	Yes	Yes	3	0

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING CONDITION;

- 2. The added space above the garage shall not be used as living space.**

Other Business

Major said he, Bill Moseley, PB Chairman and the BOS had received a letter from a concerned citizen. A meeting was held with Dave Petry, Chairman BOS, Bill Moseley, PB Chairman and himself, and the issues raised by the citizen were addressed.

Meeting procedures

The ZBA discussed how future meeting would be held since executive order #12 which allows a “zoom” format may be expiring by the end of June. The ZBA decided to hold the June meeting with all members in attendance, the applicant and public would attend via “zoom”.

The ZBA decided to discuss how the July meeting would be held during the June meeting.

Review of Minutes

Belanger moves to approve the minutes of April 22, 2021 as submitted.

Tsao seconded.

Motion unanimously approved with Mason abstaining.

Meeting Adjourned

The ZBA meeting adjourned at 8:30 pm.

Respectfully submitted by,

Donna Lee Setaro, Building and Land Use Coordinator