



ZONING BOARD of ADJUSTMENT
Town of Hollis
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Minutes of October 28, 2021

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

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

Major explained policies and procedures.

Major recused himself from both cases this evening.
Belanger assumed the chair.

Belanger said the usual process is to discuss, take testimony and hear for or against the application separately. Tonight the applicant is the same for the same piece of property. Belanger asked the applicant to present both cases together and then take comments on both cases. Once in deliberative session the case will be deliberated separately.

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for cases ZBA2021-011 and ZBA2021-012.

ZBA2021-011

The application of Vivian Girard, Timber Post Bed and Breakfast, property owner for a Special Exception to Section XG Residential & Agricultural District, paragraph(s) 2.m, Bed and Breakfast of the Zoning Ordinance to expand the Bed and Breakfast previously approved on 12-19-2013, located at 162 Broad St. (Map 054, Lot 017) in the Residential & Agricultural Zone.

ZBA2021-012

The application of Vivian Girard, Timber Post Bed and Breakfast, property owner for a Variance to Section XG.1, Permitted Uses to allow small events, located at 162 Broad St. (Map 054, Lot 017) in the Residential & Agricultural Zone.

Vivian Girard asked a question of the board because the answer may change the way Girard presents the cases. What is the intent for the Zoning Board of Adjustment (ZBA) and Planning Board (PB) applications and notes? Belanger did not understand the question. Girard handed out the 2013 original application and the B&B life safety requirements.

The original application was requested approval to rent 5 rooms (as highlighted on handout). There were several components of the application. First for Girard's family to live in the B&B and rent out 3 guests until the sprinkler system was installed in the barn. Once completed her family was to move into the barn. The other component was to add the fire system, sprinklers and all other life safety requirements for a B&B. The last part of the previous application was to rent all 5 rooms in the B&B to the public which increase the number of guests allowed to 16, per the life and fire safety codes. The question Girard asked was why did she have to re-do her applications since, what

was being applied for was the same as the previous approval granted in 2013. Belanger replied the determination which was made by staff was most likely looked at in a different way than Girard. The ordinances are written and according to applications submitted there are 2 different sections which relief is being asked on for a special exception the other for a variance. It is the applicants responsibility to show to the ZBA that the applications could be granted and meet the required criteria for both the special exception and the variance.

The three safety requirements from the previous application were completed. A letter was received from the Hollis Fire Department which stated that the B&B was approved for 16 quests. The original notice of decision does not mention the number of rooms or the number of guests allowed. In order to get approved for the tent the variance applications was required. Girard asked if she has to ask for 5 rooms again since they were already approved previously. Belanger replied in his opinion Girard does not have to ask for items which were approved prior. Girard said in her opinion the special exception application should be disregarded because she did not need any extra parking, not growing the business beyond what she was already doing and she was not asking for any additional cars.

The definition of the B&B has a lot of different requirements and the State holds B&B's to a higher standard. There are approximately 40 B&B's within New Hampshire that need to meet the same standards no matter how unique the B&B's are. B&B's need to hold a class E food license, have a meals and rental tax license and we need to comply with local, State and Federal licenses which sets B&B's apart from Air B&B's. B&B's are able to operate without a public restaurant or bar on premises. B&B's create a quiet, casual and elegant stay for guests and farm house style living. The true definition of a B&B is renting 4 or more, only serving breakfast, transient lodging and is occupied by the owner. The definition of a B&B is most of the reason for the meeting this evening (handed out NH B&B Assoc. Bylaws, actual definition of a B&B). The definition in the zoning ordinance may have been done quickly and does not reflect what a B&B really is.

Timber Post B&B was actually featured on the NH B&B Assoc. web page and is held to a higher standard than other B&B's. They even let Timber Post hold the association's logo on her site. B&B's are the new way for people to get married. The couples want a small venue which is private, quaint and they would have the ability to have their family and friends attend the wedding at a small venue. There is no regulations which states she could not have other people enjoy the amenities that her guests are given (examples of other B&B's showing what they offered were handed out and the difference between an inn, hotel and B&B). The differences between a B&B, inn or hotel whether the cost of the breakfast is included as part of the room cost. An example is Bedford Village Inn. They started with 14 rooms and a function hall and they were allowed to have small gatherings. As they were growing more things can be offered as hotel services. Unlike hotels, quests of a B&B meet the owners.

In Hollis there is a commercial zone which allows hotels and motels. Timber Post is in the residential/agricultural (R&A) zone, which allows B&B's by special exception. Temporary structures are allowed in the R&A zone. The temporary structure (Section VIII Definitions) states "*structures in the use for a period of less than 7 days are exempt from permit requirements*" Girard handed out the temporary structure section of the ordinance and more fire safety information. It was Girard's opinion that her tent would be allowed under the conditional use. Mason said within section VIII definitions it does state "*all temporary structures will require a building permit*". Girard said originally she talked the Hollis Fire Department and they told her because she was in the R&A zone, that a building permit was not required per structure.

Girard said Condra and Setaro also told her that an assembly permit was required. Girard contacted the State Fire Marshall, Phil Barren. Any event under 50 people did not require an assembly permit. Based on the town ordinance there was a grey area regarding if she could have a tent or not. The B&B definition within the ordinance is very poor and does not explain what a B&B is or what B&B can do. Girard said since the ordinance is vague, she relied on information from the state. The request is not for outside events over 50 people. Events going on inside might be 30 people. If an event is extended to the back yard there will be no more than 50 people combined. The events need to be kept small since Girard runs the business on her own. There is no intention to commercialize the business. Girard said her request is for maybe 2 weddings a year which she has been doing for the past 7 years. As a B&B Girard wants to keep business coming to the town, keep accommodating for the town's needs, keep the area quaint, promote

the farms. As a member of the NH B&B we are here to foster healthy interests and the NH tourism industry. B&B are not trying to be commercial as a member Timber Post has been in good standings for the past 5 years. The business has also been recognized as NH best for 5 years.

The original intent was always to rent 5 rooms. The violations received were about having a tent and only thing she was doing is being a B&B and based on the ZBA notice of decision that is what she is and has been doing. Girard is only requesting to operate as all other B&B's. In this case, a determination is required based on the town's ordinance and the state requirements Girard believes the state had dictated to her that the business does not qualify as an assembly. Since there is nothing in the town's ordinances the decision is shared by both the town and at the state level. Girard's opinion was there are and were no violations and the business is compliant to all state laws and safety requirements. Girard believed that no increase for overnight guest are required since 5 rooms were in the original approved and no approval is required to have functions in the facility since one of the amenities is the great room which seats 30 people comfortably.

Girard's last concern was since she was being held to a higher standard as a B&B which has been doing everything correctly than why should another meeting be required asking for the same approvals granted in 2013. The ZBA is putting limitations on how she can grow her business. The intent originally was to rent the 5 rooms and grow the business. Girard had concerns regarding the Airbnb located in Hollis some are advertising 4 guests two bedrooms so if I can't have more than 3 guests in an approved B&B why aren't Airbnb's not being held to the same process.

Girard said the tent is not an issue there is plenty of parking out back. There is parking for 8 cars located at the bottom of the driveway and roughly 7 spots inside the barn. There is 140 feet of area which cars could be parked even if the cars needed to be parked 35 feet from the property it still leaves 91 feet. Which far exceeds any requirement. Lastly, within the application there were several letters of support and a petition that the neighbors signed in favor of the application. The people who signed the petition are the people directly around the location of where the tent would be placed. The events are less than 50 people and the events end by 10:00pm. Girard requested that the ZBA waive the variance application since the ordinance states she could have a temporary structure and there is nothing under the B&B definition that states she can't have a tent.

Belanger asked if installing a tent was the only part of the variance application. Girard replied yes. Belanger said in regards to the special exception was it her testimony that the application was not asking for anything more than what was approved previously. Girard replied yes. Belanger asked Girard to explain what she was requesting approval for that was not approved originally. Girard replied she was not requesting anything above and above what was originally approved.

MacMillan asked if Girard was withdrawing the special exception application. Girard replied she did not think she needed to submit the application and she asked about the tent violations Staff could not show her what section of the ordinance was violating. In order to get approval for the tent Staff told her an application was required. Also for increasing the number of guests and the total number of rooms which could be rented. The original application was asking for 5 rooms she already said she was going to install the fire safety requirements.

Mason said the current special exception is requesting an increase from 5 overnight vehicles to a larger number between 10 to 16 vehicles. Girard replied the increase is not needed but if additional cars were necessary they could be parked in the back where they would not be visible. Mason said the original approval was granted with a condition of 5 parking spots. Mason said if events are going to be held the parking spots they would have to be increased. Girard agreed the additional cars could be parked in the back behind the barn like they were before. Mason said the concern is not where the vehicles would be parked, but how many vehicles needed for 50 people. Girard said 50 cars would not be needed since people come as couples, or maybe a family of 4. Normally and in the past when people came there was plenty of room for the vehicles. They could really drive around the entire property behind the silo. MacMillan asked if there were any problem from the neighbors saying the vehicles where parking in their driveway.

Girard replied no. A request was made to the Board of Selectmen if she could have a driveway which extended to the right a-way which would have made a second entrance from, the road, but that request was denied. Mason asked, based on the size of events, how many parking spaces would be required. Girard replied no more than 30. Mason asked does that include the spots for overnight guests. Girard replied yes, when an event occurs information is sent to the person that states, "No On Street Parking" and there is a 30 car maximum, the agreement is signed and dated.

Belanger asked was the variance being sought only for the tent being used. Girard replied yes. Belanger asked if Girard was finished with her presentation. Girard replied based on residential ordinance which states temporary structures are allowed. Why was an application required? Belanger replied the issues would be brought up during deliberative session.

MacMillan said during the testimony the Bedford Village Inn was mentioned. They are located in an industrial/commercial area and he was aware of that since his company did most of the work. Girard agreed when they started they had 14 rooms to rent and they had a function room. Bedford Village Inn has commercialized the point Girard was making, that her operation was small and quaint and has no plan to commercialize.

MacMillan asked was the request for an event venue currently? Girard stated no there is no intentions of becoming a large event center she just wants to operate the B&B with small quaint gatherings as they are intend to do.

MacMillan asked if most B&B had wedding on-site. Girard replied yes. MacMillan asked if documentation was provided to the people with the rules. Girard replied yes she supplies the breakfast for the guests in the morning based on the B&B regulations she is required to have a class E license, which means she can only serve breakfast. If events occur they could do a pot luck, they could bring in a caterer and they can also choose to bring in other things. The people are responsible for the event. MacMillan asked if there were ever 16 people staying at one time. Girard replied yes.

MacMillan asked if Girard rented long term. Girard replied yes the longest was 90 days while the person was waiting for a closing.

McGhee said the testimony given was that 2 weddings per season have happened. What would be the maximum amount of events on site in a given season? Girard replied on average 2 events per year. Mason asked how the B&B would accommodate 16 guests at one time. Girard replied a total of five rooms; 1 sleeps 4, 1 sleeps 3 and 3 other rooms sleep 2. The five rooms can accommodate 13 guests and extra cots are available, if needed. A presidential election event was held where they rented out the entire home and at one point there was an air mattress set up in the living room. Girard had no issue with the air mattress because it was for the group that rented the whole house. That option usually does not happen however, if the issues arose again she doesn't care where they sleep. Mason asked Girard what period of time she would like to rent to an individual. Girard replied whatever time a person wants or was needed usually only a few months.

Mason asked how many outside events the facility could handle. Girard replied 2 per month at best and has no problem turning away business. She had a request for a wedding with 100 people and she said no. Mason asked if the tent would be left up during the season or would the tent be taken down after each event. Girard replied the tent is removed a few days after the event. Mason asked if Girard supplies any of the food for events. Girard replied no she only supplies referrals for caterers and such. Mason asked for confirmation that the application is asking for up to 50 people to attend outside events. Girard replied yes.

No one spoke in favor of the applications.

Spoke against the application

Kevin Richardson, 23 Crestwood Dr.

Richardson said his concerns were scale, intent, noise and environmental impact on Crestwood Dr. When the original complaint was filed with the town. The website for Timber Post Bed and Breakfast listed the events for up

to 125 people. A few weeks ago events for up to 75 people and currently events for up to 50 people were advertised. Was the operation permitted for up to 125 people? Was there an environmental impact completed prior to allowing 30 vehicles to be parked on the property, septic capacity, well draw for the neighborhood and sound. Sound carries very far in the area. On August 10th there was a private wedding located on Maple Knoll and Richardson could hear every song at his front door. Does the events include amplified sound and Dj's blasting music until 10pm. The application notes small gatherings, larger gatherings would impact the rural character of the area.

Belanger asked were Richardson concerns about both of the applications. Richardson replied yes, a quietun-do & Breakfast was not a concern and event center is not a good neighbor in general. The events are usually loud and there is nothing louder than a wedding DJ. Would 30 vehicles which may leak oil affect the ground water?

Jill Arabas, 15 Crestwood Dr.

Arabas said she sympathizes with the applicant's desire to grow and expand her business. Arabas concerns were how repeated parties would change the nature and rural character of the neighborhood. Noise, lights and the number of people in Arabas opinion would change the neighborhood. There has been at least 4 parties in the general area with loud music which could be heard in her house with the windows closed. Mason asked were the parties at Crestwood or other locations. Arabas replied the parties were located on Flint Pond, one at her own house and the other two Arabas was unaware of the location. Noise carries in the area there is no buffer. The applicant is requesting 2 events per month with 50 people. Arabas asked if the variance is granted does the approval apply to any future owners.

Arabas said when she moved to the area there was no Timber Post Bed and Breakfast. She moved into the Residential Agricultural district with the expectation of peace and quiet and would like the area to stay as such. With events being held twice a month if approved, would impact property values in the area with the proposed commercial activity. Tsao asked if the lights and noise were coming from the B&B. Arabas said there has been no events at the B&B she was speaking of the possibility, if approved.

Attorney Daniel Conley, Gillis & Bikofsky, Nashua NH

Conley said he was representing Barry and Leslie Warhola, 162 Broad St. which are direct abutters to the applicant. Conley said his client is opposed to the expansion of the current variance. The expansion would impact the Warholas significantly and they have valid concerns. The minutes from the December 2013 ZBA meeting reflect that the variance was granted and was limited to 5 non-resident vehicles and a maximum of 3 guests.

Conley showed pictures from his clients yard showing motors homes, campers and cars exceeding the approval granted previously.

Conley said the property is located in the R&A Zone and the Warholas have several concerns; property values, traffic in and out, serious concerns about parking, waste management concerns. What is the plan? How would the waste be managed? There are plans for a septic for both house, what is the capacity? The application is to expand a previously approved variance but there is no plan on how the expansion would be done.

The application is contrary to the public interest and the spirit of the ordinance is not observed, if the expansion is approved. Conley is asking the variance expansion be denied because the denial would not create any undue hardship. When the applicant moved in to the property and decided to ask for a variance to operate a B&B the area was already a residential and agricultural district. The Warholas were drawn to Hollis to raise their family. In Ms. Girard's own words because Hollis was a small quaint quiet community and the Warholas want it kept that way and keep their property values. They want to raise their child in a small, quaint environment without the traffic and cars parked everywhere and the increased noise. Any expansion of the current variance would create an unnecessary hardship to the abutters.

Applicant rebuttal

Girard said the application was not for an expansion. The application was to maintain what a B&B does and its intent. Girard asked to see the photos Conley showed. The pictures showed \$300k RV's and a sprinter that was staying at the B&B. In Girard's opinion the pictures show that high end people staying at the B&B which would like a nice shower and a soft bed. McGhee asked where did the RV's park. Girard replied the large one was near the silo and the sprinter was in the back yard. Currently, there are 8 spaces behind the barn, all our registered and insured and a few of them are Girard's personal vehicles.

Belanger asked if the septic system was adequate. Girard replied the system is adequate for the size of the home when she purchased it. The system was inspected and has been pumped every year, the system is in good working order. If the system was to fail a new one would be installed. The noise issue is not a problem. There has never been a band however, streaming music has happened and even a violinist. All noise ends at 10:00pm and if an event or gathering goes longer the people are at the camp fire making s'mores in the effort to lower any noise.

Cars are parked up front the area is all gravel and if the need arises some cars are parked out back. The events usually are 4 hours. After the event is over the cars are gone. As far as cars leaking fluids, if that is the case the person should not be driving the car. If a problem occurred the issue would be brought to the owners attention and would be asked to remove the car. Common sense needs to be used in all of the factors. The business is not an events center and it was never planned to be one. Girard's plan is to survive and to find ways to keep the business flowing, and also follow what the community needs. Girard has no intention in having large parties and being up all night. Her plan is to keep the neighborhood quaint and also have her business survive.

Christmas lights are installed on the tent which is a requirement. Girard has the application from the State Fire Marshall concerning the permit for the tent and the documentation the tent company gave to her on what the requirements are. Girard said she had asked Chief Towne what she had to do regarding events either outside or inside. As far as inside events Towne said she was covered since the fire safety devices were installed. Girard asked the tent company what was required for an outside tent and they supplied her with a letter and the lights are required, they are low voltage 110 lights from the Christmas tree shop. The state level requirements states Girard is required to follow the town ordinances. Girard passed out the following information; Information bulletin for places of assembly, assembly occupancy for tents provided by Christian Party Rental and the tent inspection checklist. None of which applies to her use.

MacMillan asked Girard if she agreed that her prior application was requesting approval for 3 guests and 5 cars. Girard replied her request was for 5 rooms with the intent of expansion. MacMillan asked was the request for 5 cars. Girard replied yes.

The abutters are concerned about property values. Since Girard's purchased the property, it has been upgraded. Running a B&B is all about appearances. It was Girard's opinion that property values would not be impacted, they may even go up. The intent of the original approval was always to rent 5 rooms with up to sixteen guests and to have their functions at the B&B.

Moseley asked when there is music or musicians is there amplified equipment being used. Girard replied no. Mason asked when the approval was granted in 2013 the record shows a PB meeting was required in part to discuss the septic system was that done at the time. Girard replied yes, the PB said the septic was adequate for the facility and the home. The system met all the requirements and inspection. Another point is the use is only seasonal not a full time use and based on the seasonal use the system is not impacted. Girard said the system is actually pumped out each year so there would not be a problem.

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

DELIBERATIONS AND DECISION

Both cases were deliberate together

ZBA2021-011

Discussion of the application of Vivian Girard, Timber Post Bed and Breakfast, property owner for a Special Exception to Section XG Residential & Agricultural District, paragraph(s) 2.m, Bed and Breakfast of the Zoning Ordinance to expand the Bed and Breakfast previously approved on 12-19-2013, located at 162 Broad St. (Map 054, Lot 017) in the Residential & Agricultural Zone.

ZBA2021-012

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Belanger said the application is seeking an increase in parking and potential the guest increase. McGhee said the intent of the original application was to increase guests to sixteen. McGhee felt the ZBA didn't need to discuss that issue. Mason said the number of guests was not never specified.

McGhee said the applications are related. Belanger asked would the ZBA prefer to discuss both cases together. Some members agreed. MacMillan said page 3 of the previous minutes MacMillan asked was it the applicants intentions to expand the business in the future. Girard replied yes. Major noted was the current application only for 3 bedrooms and that any expansion would require an application to the ZBA. MacMillan agreed if there is 5 rooms MacMillan had no problems with having 10 guests. As far as the variance there is no hardship because you can't have an event center in a back yard in a residential neighborhood. MacMillan viewed the property and found the neighbors are close and he would not like loud music in his backyard until 10:00pm. There has not been any violations for events due to the fact, no events were scheduled. The applicant said she was having up to two events per month previously. MacMillan said he agrees the applicant should be viable and be able to make a living. The septic system was inspected and was found to be adequate however, that many people could stress the system. The applicant should be able to rent to at least 10 people because there are 5 rooms. The site has adequate space for quests vehicles but as far as parking for a group of fifty people MacMillan would not support that part of the application. MacMillan said there is no hardship in not allowing the event center. MacMillan said any person in Hollis can have a wedding at their home anytime however, when events are being held for money and you have neighbors all around the property which effects the neighbors. Normally, you would not say a venue of this type with weddings, 50 guests and 20 to 30 cars would be appropriate in a residential area. MacMillan is on support of more guests. The Fire Marshall's report stated he could not get a truck up to the second floor very easily. MacMillan wondered what that statement meant. Mosely agreed with MacMillan and is in support of more guests however, there is not hardship for the event center. McGhee said the request is not for an event center she understood Girard's argument that weddings and small gatherings do occur at B&B's. McGhee stated her concern was what Mr. Richardson said that the information on the web site had changed in the amount of people that the venue could accommodate from 125 down to 50 currently. If granted, restrictions should be imposed because the venue is located in a residential area. McGhee felt the request for events should not be completely excluded since it is a part of the B&B business. Girard made her case that B&B's have events like the ones proposed the only exception is that her business is located in a residential area in which the neighborhood has concerns. Past applications have been approved with limitations and conditions and felt this application is no different.

McGhee said there should not be a limit of 10 guests as stated because Girard's potential capacity should not be limited. The 5 rooms have the potential for over 10 guests. Mason's said he disagrees with MacMillan. The original application states 3 guests and after the code issues were solved go to 5 rooms and that was what was approved. It did not mention anything beyond that. Mason's opinion was the 5 rooms were already approved with no limit of the number of guests. Belanger agreed. Mason said the approval did limit parking to 5 non-resident guests and with the increase of guests that limit needs to be revised. The previous approval also had a 30 day maximum stay and it sounds like the 30 days limit needs to be adjusted. Mason's comments where only dealing with

the special exception.

Mason said the variance is different there is no hardship however, if the application is dealing with an expansion of an existing variance we already satisfied the hardship. The ZBA may not have to address hardship criteria for this application. If the application was for an event center it would not fit with the character of the neighborhood but to have a small venue to allow the occasional small celebration such as a funeral, graduation, birthday or wedding and there are limitations attached to the approval. Mason does not have an issue with the application. Tsao said having up to 16 people in 5 rooms is appropriate. The occasional small event where a tent is put up and comes down after Tsao has no problems but the appropriate conditions need to be imposed to address the neighbors concerns. It was Belanger's opinion the hardship is met because the ZBA allowed a variance for a business to operate and the business should not be restricted so the business goes out of business. There should be some expectation of expansion within reason since the 2013 approval. Belanger felt there should be no time limit set for how long a guest can stay since there is no difference if someone stays for a few days or over thirty days. If nothing else think about the effect on the tax rate on the residents, if a property is being taxed as a B&B and we let it go out of business or restricting the business. The definition of a temporary structure is not pertaining to a tent being used for wedding or a birthday party. The structure will be put up for a limited time and removed. Belanger said the tent and even the number of vehicles should not have to apply for a variance. The application is a small expansion of an existing variance and Belanger felt the application should not have to meet all of the criteria required for a variance because the original application already did.

McGhee agreed with most of what Belanger said however, a venue that allows people to structure their own party where they can bring in their own caterers the party can expand to more than what you thought the party was going to be, because the people using the facility could have a different idea on what is acceptable. MacMillan agreed the business should not be fully restricted however, the neighbors rights have to be considered as well. Amplified music should not be allowed, renting to more than 10 people MacMillan has no objections. MacMillan talked to a few neighbors and they even said there has been no problem and the B&B have been good neighbors. It was mentioned there was a problem with parking on the right-a-way but that issue was resolved. Belanger felt there was no reason to set a condition pertaining to the number of guests since a condition was not set on the previous approval. The ZBA members agreed as long as the applicant is only renting 5 rooms the number of guests within those 5 rooms would not be limited. The ZBA also discussed allowing visitors to stay as long as they want which in-turn, eliminate the 30 day maximum stay condition set on the previous application.

MacMillan asked the members if they were in favor of allowing 50 guests per event, limited the events to 2 weekend per month with no amplified sound. Mason said the ZBA may want to consider 6 events per year and not set a limit per month. Belanger asked if the ZBA would like to discuss conditions concerning the special exception. Mason said the special exception is contingent on whether or not variance passes. Mason suggested the variance be voted on and conditions if approved be done prior to the special exception. The members agreed.

Decision and voting results

ZBA2021-012

The application of Vivian Girard, Timber Post Bed and Breakfast, property owner for a Variance to Section XG.1, Permitted Uses to allow small events, located at 162 Broad St. (Map 054, Lot 017) in the Residential & Agricultural Zone.

Belanger said case ZBA2021-012 was dealing with the small events and allowing the temporary tent for those events. Discussed the conditions of approval and determined the following conditions were appropriate and reasonable since the property is located in a residential area.

McGhee moves for a condition of approval;

- 1. No amplified sound equipment shall be used during outside events.*

Tsao seconded.

Motion unanimously approved.

Mason moves for a condition of approval;

- 2. Outdoor events are limited to 50 persons.*

Tsao seconded.

Motion unanimously approved.

MacMillan moves for a condition of approval;

- 3. Outdoor events are limited to 6 per year.*

Mason seconded.

Motion unanimously approved.

MacMillan moves for a condition of approval;

- 4. All outdoor events shall end no later than 10:00 pm.*

McGhee seconded.

Motion unanimously approved

Questions - Variance

Question 1. The variance will not be contrary to the public interest.

Question 2. The spirit of the ordinance is observed.

Question 3. Substantial justice is done.

Question 4. The values of surrounding properties are not diminished.

Question 5a (1). No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property.

Question 5a (2). And, the proposed use is a reasonable one.

Board Member	Question #1	Question #2	Question #3	Question #4	Question #5a(1)	Question #5a(2)	Total Yes	Total No
Jim	Yes	Yes	Yes	Yes	Yes	Yes	6	0
Tsao	Yes	Yes	Yes	Yes	Yes	Yes	6	0
MacMillan	Yes	Yes	Yes	No	Yes	Yes	5	1
Mason	Yes	Yes	Yes	Yes	Yes	Yes	6	0
McGhee	Yes	Yes	Yes	Yes	Yes	Yes	6	0

THEREFORE, THE VARIANCE WAS GRANTED WITH THE FOLLOWING CONDITIONS;

- 1. No amplified sound equipment shall be used during outside events.**
- 2. Outdoor events are limited to 50 persons.**
- 3. Outdoor events are limited to 6 per year.**
- 4. All outdoor events shall end no later than 10:00 pm.**

Decision and voting results

ZBA2021-011

Discussion of the application of Vivian Girard, Timber Post Bed and Breakfast, property owner for a Special Exception to Section XG Residential & Agricultural District, paragraph(s) 2.m, Bed and Breakfast of the Zoning Ordinance to expand the Bed and Breakfast previously approved on 12-19-2013, located at 162 Broad St. (Map 054, Lot 017) in the Residential & Agricultural Zone.

The ZBA discussed the conditions of approval and determined the following conditions were appropriate.

Mason moved for a condition of approval;

- 1. Parking spaces are limited to 8 spaces for overnight guests and 22 spaces for events.*

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
McGhee	Yes	Yes	Yes	3	0

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

1. Parking spaces are limited to 8 spaces for overnight guests and 22 spaces for event parking.

Review of Minutes

Belanger moved to approve the minutes of August 26, 2021.

Seconded by Mason.

Motion unanimously approved.

Other Business

Board Discussion – Procedures for prospected new members.

The ZBA discussed the procedure and decided the Chairman and Vice Chairman interview the applicants and make a recommendation during the next ZBA meeting and the Board of Selectmen.

Halvates II, Housing Appeals Board vs. Town of Hollis

Major said the Housing Appeal Board had reversed the frontage variance denial the ZBA made concerning the lot on Broad St. (Map 026, Lot 048). Major asked the ZBA if they wished to pursue the case by appeal or take no further action.

The ZBA discussed the issue and decided to recommend to the Board of Selectmen (BOS) that no further action should be taken.

Major moves to recommend to the BOS that no further action be taken with the case.

Moseley seconded.

Motion unanimously approved.

Meeting Adjourned

The ZBA meeting adjourned at 9:20 pm.

Respectfully submitted by:

Donna Lee Setaro, Building and Land Use Coordinator