



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 24, 2022

The Zoning Board of Adjustment 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 PRESENT: Brian Major, Chairman; Jim Belanger, Vice Chairman; Regular Members – Rick MacMillan, Drew Mason; Alternate Members – Meredith West, Stan Swerchesky.

MEMBERS ABSENT: Cindy Tsao, Kat McGhee, Bill Moseley.

STAFF PRESENT: Bill Condra, Inspector/Code Enforcement; Donna Setaro, Building and Land Use Coordinator; Lori Radke, Town Administrator; Aurelia Perry, Recording Secretary.

J. Belanger led the Pledge of Allegiance.

B. Major explained the policies and procedures.

B. Major said the voting members for the case this evening are B. Major, J. Belanger, R. MacMillan, D. Mason and M. West.

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for case ZBA2022-001.

ZBA2022-001

The application of David Hinrichs, property owner, for a Special Exception to Section XII: Non-Conforming Uses, Structures and Lots, Paragraph c: Non-Conforming Structure, to construct a 650 square foot addition to an existing garage 87 feet from the front yard setback (required 100ft) located at 8 Van Dyke Rd., (Map 019, Lot 069) in the Residential Agricultural Zone.

Applicant: David Hinrichs. Explained that the c. 1953 ranch house has an existing one-car garage. He and his wife find removing ice and snow from their vehicles is time-consuming, and they would like to build a second bay for the garage so that both cars may be kept inside. Additionally, they would like to incorporate a screen porch for summer use onto the back of the structure, and have storage for the snowblower and other garage equipment.

B. Major asked if the proposal was to construct the new bay of the garage in line with the existing garage, 87 feet from the property line? D. Hinrichs confirmed that yes, the addition would not project out any further than the existing garage. B. Major further asked if the addition would protrude into the 35-yard side-yard setback? D. Hinrichs answered no.

D. Mason stated that it looks as if the house itself is closer to the road, and asked what is the house setback? D. Hinrichs stated that the house is approximately 8 feet in front of the garage.

J. Belanger asked applicant what other houses were in view from his / what houses had his in their view? D. Hinrichs stated that it depends; in the summer, his house is not visible from the back due to tree and vegetation

cover. In the winter, the abutting rear properties probably can see the back of the house. Regarding the abutters to the left, it is the same situation: the house is visible in the winter, but not in the summer. J. Belanger pointed out that the application has a list of six abutters: has applicant spoken to all six? D. Hinrichs answered that he has only spoken to one, a former surveyor who helped applicant establish the lot lines; unfortunately, that neighbor has since passed away. None of the abutters have gotten in touch with applicant regarding the proposal.

S. Swerchesky asked if applicant currently runs any business from his house, or would he, with the expanded garage? D. Hinrichs answered no, it's just for personal use.

M. West stated that she has driven by the property, and that the addition would probably enhance the house and neighborhood, and fit in. S. Swerchesky agreed, and thought that the addition would add property value to the neighborhood.

No public speakers either in favor of or opposition to the application.

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

DELIBERATIONS AND DECISION

ZBA2022-001

The discussion of the application of David Hinrichs, property owner, for a Special Exception to Section XII: Non-Conforming Uses, Structures and Lots, Paragraph C: Non-Conforming Structure, to construct a 650 square foot addition to an existing garage 87 feet from the front yard setback (required 100ft) located at 8 Van Dyke Rd., (Map 019, Lot 069) in the Residential Agricultural Zone.

R. MacMillan stated that he believes the application represents a de minimus infringement on the setback requirement. The Board concurred that they did not see any problems with the application. J. Belanger added that he would like it to go on record that there are no conditions or restrictions to the approval of this application.

Mason moved for the following finding of fact;

1. The board finds that the proposed garage is exactly the same distance from the road (front setback) as the existing garage.

Seconded by Belanger.

Motion unanimously approved.

MacMillan moved for the following finding of fact;

2. The board finds that the application represents a de minimis infringement of the required setback and granting the application would be in keeping with the spirit of the ordinance.

Seconded by Mason.

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
Major	Yes	Yes	Yes	3	0
Belanger	Yes	Yes	Yes	3	0
MacMillan	Yes	Yes	Yes	3	0
Mason	Yes	Yes	Yes	3	0

West	Yes	Yes	Yes	3	0
------	-----	-----	-----	---	---

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED WITH THE FOLLOWING FINDINGS OF FACT;

1. The board finds that the proposed garage is exactly the same distance from the road (front setback) as the existing garage.

2. The board finds that the application represents a de minimis infringement of the required setback and granting the application would be in keeping with the spirit of the ordinance.

Other Business

Recommendation for alternate ZBA member.

B. Major stated that there are two people currently showing interest in becoming members of the ZBA. They both would be qualified members. The ZBA has one member who is running for the Select Board, and the ZBA may therefore have two openings depending on the outcome of the March 8 election. B. Major as Chairman and J. Belanger as Vice Chairman will contact the applicants and speak with them. Following that, the applicants will be discussed with the Board at the ZBA's next meeting, March 24.

Regarding the question of whether applicants to the ZBA may be discussed in a non-public session, L. Radke clarified that interviews and personnel decisions regarding public appointments do need to be made in public. B. Major pointed out that for appointment to a Board such as the ZBA, it must be determined if applicants can work with the other Board members, and whether their application is based on an agenda. L. Radke mentioned that such questions can be asked in public. J. Belanger stated that there are two different considerations: one is interviewing, which should be public, and the other is debate as to why they would accept or not accept any given applicant, which could probably be private. M. West concurred; we want to be able to have a candid discussion.

J. Belanger added that appointments to the Planning Board and to the ZBA have not been done in this way before, with public interviews; in the past, people have applied, the Select Board has appointed, and the Boards have accepted the appointment. The Board agreed that that is how all current members joined the ZBA. B. Major stated that his preference would be for everyone on the Board to have a frank discussion with an applicant beforehand, so that they can privately determine whether they can work with an individual. L. Radke stated that such could in fact probably be done off-line individually, but not, for instance, with group e-mails or discussion. Interviews, though, should be public. D. Mason enquired as to whether the public could then ask questions? L. Radke answered no, as that was not in the public purview. R. MacMillan asked what purpose the public then serves, if they have no input? L. Radke answered that the Town has been challenged, in the past, when interviews for appointments were not public, and referenced NH RSA 91-A. J. Belanger stated that a point for the interviews to be public is that then the voters will know who is being appointed, and why. B. Major pointed out that every member of the Board is different; we want to know that a new appointee can work with the rest of the members. J. Belanger mentioned that if there is public discussion among the ZBA members about why they do or do not like a particular candidate, the candidate will hear that and, if appointed, it could lead to on-going animosity. L. Radke will check as to whether members of the Board can have a discussion regarding potential appointees in a non-public session. D. Mason noted that if a non-public session is on the agenda, then the ZBA can at least choose to do it if appropriate. If it's not on the agenda, they cannot hold a non-public session.

There were four applicants to the ZBA; D. Setaro has reached out to all four, and only two have responded. Due in large part to the Covid-19 pandemic, this process has been ongoing for some time; one of the applications was submitted two years ago.

Review of Minutes

Mason moved to approve the minutes of December 16, 2021.

Seconded by Belanger.

Motion unanimously approved with MacMillan abstaining.

141
142 **Meeting Adjourned**
143 The ZBA meeting adjourned at 7:30 pm.
144
145 Respectfully submitted by:
146 Donna Lee Setaro, Building and Land Use Coordinator,
147 and Aurelia Perry, Recording Secretary.
148
149

150
151 NOTE: Any person with a disability who wishes to attend this public meeting and who needs to be provided with reasonable accommodation,
152 please call the Town Hall (465-2209) at least 72 hours in advance so that arrangements can be made.