



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

**Minutes of May 25, 2023**

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 - Cindy Robbins-Tsao, Rick MacMillan, and Drew Mason; Alternate Members – Kat McGhee, Bill Moseley, Meredith West and Stan Swerchesky.

**STAFF PRESENT:** Kevin Anderson, Town Planner & Environmental Coordinator; Donna Setaro, Building and Land Use Coordinator.

J. Belanger led the Pledge of Allegiance.

**Election of Officers**

*B. Moseley nominates B. Major to serve as Chairman.*

*Seconded by K. McGhee.*

*There were no other nominations.*

*Motion unanimously approved.*

*M. West nominates J. Belanger to serve as Vice Chairman.*

*Seconded by K. McGhee.*

*There were no other nominations.*

*Motion unanimously approved.*

B. Major assumed the Chair.

B. Major explained the policies and procedures.

B. Major stated that the voting members for case ZBA2023-002 will be: J. Belanger, C. Robbins-Tsao, R. MacMillan, D. Mason, and M. West.

**Determination of Regional Impact**

By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for case ZBA2023-002.

**ZBA2023-002**

The application of Matthew Campano, property owner for a Special Exception to Section IX; General Provisions, paragraph K; Accessory Dwelling Unit, of the Zoning Ordinance, to construct a 790 square foot Accessory Dwelling Unit, located at 7 Farley Rd., (Map 038, Lot 047) in the Residential/Agricultural District.

Applicant: Matthew Campano, 7 Farley Road. Stated that they are requesting a special exception to build an Accessory Dwelling Unit in order to move his elderly father in with him, as his father needs some additional care. They have hired an architect to prepare the plans, to ensure that they kept within the spirit of the architecture of the

home and the neighborhood. They have spoken to their neighbors to inform them about the addition. He feels that the architect met the requirements per the Town. They have also had a certified plot plan done, to make sure that they are within the setbacks, and he believes that they meet the intent of the regulations for adding an ADU. At this time in his father's life, he does need some extra care which he and his wife can provide. His father is a disabled Vietnam Veteran.

Per a question from B. Major, M. Campano confirmed that they have pointed out the connected heated wall with respect to the main unit and the ADU. B. Major stated that he understands that a door was added recently, with respect to the plans; M. Campano responded that the plan the Board received was the framing plan – the architectural plan shows all the doors. A door was not added; it simply was not shown on the plan that the Board is reviewing. M. Campano pointed out where the door would be, on the framing plan.

M. Campano stated that no additional parking would be required for his father: as part of the addition, he will be able to park in the garage since they are removing the existing garage, replacing it with the ADU, and then adding a garage on the back side of the home. M. Campano added that they will not really be impacting the Town roads in any manner – the ADU will just be occupied by his father, who does not currently have a license. They will have a handicap-accessible van, but no additional drivers will be added to the household.

B. Major asked about the size of the existing house, to which M. Campano answered that it is 2800 square feet. The ADU would be 790 square feet. It was confirmed that the ADU would not be more than 30% of the total square footage of the building.

R. MacMillan asked what the special exception is being requested for; M. Campano replied that it's just to construct the ADU. His understanding is that it had to be requested.

J. Belanger asked if the Applicant had contacted any of his neighbors to find out if they are in agreement, and M. Campano answered that yes, he has, and there were no objections.

J. Belanger stated that he had a question about the common heated wall. He mentioned that he was one of the State Representatives who engineered this law in regard to ADUs for the State of New Hampshire, and the idea behind the heated wall was not just to have a wall that was heated on both sides, but it was also to later be able to get access from the ADU to the main home through a heated wall. He noticed on the plan that the proposed common heated wall goes into a pantry. M. Campano clarified on the plan where an access point is and will be in the future, and where the common heated wall would be.

The Board in general concurred that the plan was straightforward.

S. Swerchesky asked to confirm that the ADU is to be built where the garage is now, and that in a second phase a new garage will be added. M. Campano said that that is correct.

J. Belanger stated for the record that he did telephone the Applicant prior to this meeting, and asked if he had talked to any of his neighbors regarding the plan; at the time, the Applicant said that no, he had not. J. Belanger asked if the Applicant would speak with his neighbors; the Applicant agreed, and he did.

**No one spoke in favor or against the application.**

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

## **DELIBERATIONS AND DECISION**

**ZBA2023-002**

The discussion of the application of Matthew Campano, property owner for a Special Exception to Section IX; General Provisions, paragraph K; Accessory Dwelling Unit, of the Zoning Ordinance, to construct a 790 square foot Accessory Dwelling Unit, located at 7 Farley Rd., (Map 038, Lot 047) in the Residential/Agricultural District. The Board had no issues or concerns with the application. The application met the ordinance in its entirety.

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
J. Belanger	Yes	Yes	Yes	3	0
R. MacMillan	Yes	Yes	Yes	3	0
C. Robbins-Tsao	Yes	Yes	Yes	3	0
D. Mason	Yes	Yes	Yes	3	0
M. West	Yes	Yes	Yes	3	0

**THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED.**

Review of Minutes

*J. Belanger moved to approve the minutes of March 23, 2023.*

*Seconded by D. Mason.*

*Motion unanimously approved with C. Robbins-Tsao, R. MacMillan, and M. West abstaining.*

Other Business

M. West asked why a special exception needs to be granted for an ADU, when applicants meet all other set criteria and follow the process for the Town. Coming before the ZBA for a special exception holds up the applicants' construction time. B. Major responded that he agrees, but that there was a period of time in the past when some things happened that should not have. The attitude on the ordinance was to keep eyes looking at it. M. West stated that each one of the requirements for an ADU absolutely needs to be in place, but if the applicants can meet them in a professional manner, let them build.

The Board in general stated that an ordinance change could be put before the voters. D. Mason asked whether we would want such a change to apply to all the districts, or just Residential/Agricultural.

J. Belanger pointed out that it is in fact a State law, and the biggest reason that it came before the Legislature is that in beach areas people were building apartments to rent. The State wanted some control over what ADUs would be used for. They also wanted to be sure that an ADU could be re-adopted into a home, afterward. Especially in Manchester there was an issue with people adding bedrooms to their houses when there was no parking.

M. West stated that she thinks it should be downgraded. We can't control whether the ADU will be a rental or not, and the zoning administrators will see every application. If the zoning administrators have an issue with an application they can deny it, and then it might come before the ZBA. M. West further pointed out that ADUs make housing available.

D. Mason read from the RSA: "A municipality shall allow accessory dwelling units as a matter of right or by either conditional use permit pursuant to RSA 674:21 or by special exception, in all zoning districts that permit single-family dwellings."

B. Major pointed out that we could therefore allow ADUs as a matter of right.

D. Setaro stated that the way the process is now, it's a double-check. The Building Department goes through the applications to see if they meet the ordinance; it's currently limited to one unit per lot, but if it's changed to allow ADU's by right, you could have multiple ADU's per lot.

B. Major pointed out that the ordinance could be changed to specifically allow one ADU per lot.

J. Belanger agreed that the State law does not require a special exception; there are a lot of stipulations that have to be met, but we already have those in our ordinance. Our ordinance does require a special exception.

R. MacMillan stated that an ordinance change could put the Building Department on the hook if anything goes wrong – they want back-up to make their decisions; this isn't something that they should be responsible for.

B. Major pointed out that there is always going to be a balance. There could be a case in which it would affect a neighbor, or have a parking issue. There could be a judgment call. It doesn't hurt to have more sets of eyes looking at an application.

B. Moseley stated that the main issue the Board has had with ADU applications is interpreting the heated wall.

B. Major stated that a bigger problem is when a design is submitted for an ADU and it's really clear that another part of the house is going to be used for the ADU instead. That has come up many times.

In regard to an ordinance change, D. Mason stated that the Planning Board decides what goes on the ballot, and a dialogue between the ZBA and the Planning Board may be a good idea. The Planning Board might have other concerns.

Regarding open seats on the Boards, S. Swerchesky asked if the Chairs of the ZBA and the Planning Board have met with the Select Board about the process of selecting new members. B. Major stated that they went to the first Select Board meeting and the item got tabled. At the second meeting, the re-appointments were re-appointed. B. Moseley added that the Select Board did confirm that the Board Chairs would be involved in the choice of future members. B. Major will approach them again to see if we can get the process moving.

### **Meeting Adjourned**

The ZBA meeting adjourned at 7:45 pm.

Respectfully submitted by:

Donna Lee Setaro, Building and Land Use Coordinator,  
and Aurelia Perry, Recording Secretary.