Approved 8/27/2026

ZONING BOARD of ADJUSTMENT
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Minutes July 23, 2026

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, Drew Mason; Alternate Members – Kat McGhee, Bill Moseley.

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

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 as follows: B. Major, J. Belanger, C. Robbins-Tsao, R. MacMillan, and D. Mason.

Determination of Regional Impact
By unanimous vote, the Zoning Board of Adjustment (ZBA) found no regional impact for cases ZBA2026-004, ZBA2026-005, and ZBA2026-006.

ZBA2026-004
The application of Chris Crump, for a Variance to Chapter X; paragraph H.5d, Minimum Side Yard Depth, to construct a 24' x 32' attached garage 17 feet from the side property line, (required 35') property owned by John & Tera Mullin, located at 25 Colburn Ln. (Map 035, Lot 035) in the Rural Land District.

D. Mason raised the question as to whether this application is materially different than the one that the Board denied last month. He stated that under NH law, as he understands it, you can't keep submitting an application on substantially the same project over and over again – so is this one different?

B. Major pointed out that the previous application had the structure almost entirely in the setback. It was a detached garage, and the Board had some comments during that hearing about why the garage wasn't attached to the house. The previous application had the garage 10 feet from the side property line. This application is for an attached garage, 17 feet from the side property line.

D. Mason asked whether this application is substantially different for the Board to discuss.

R. MacMillan replied that he doesn't think that it is.

M. Bishop stated that to him, the fact that this application is for an attached garage while the previous one was for a detached garage in itself makes it different. It's a different case because it's a different structure, now.

There was some general discussion about what "substantially" means to the Board.

J. Belanger stated that he likes the new application a lot more than the old one, but he doesn't think that 7 feet makes a difference to our setback requirements. He added that he likes to see people live in their homes, and do what they need to do to continue living there – but we have an ordinance that we have to follow.

R. MacMillan asked whether it is the opinion of the Board that 7 feet is a substantial difference.

D. Mason asked whether it is the opinion of the Board that an attached garage is substantially different than a detached garage.

B. Major stated that there are some arguments that an attached portion of a building is less intrusive than detached, under identical circumstances – visually it's part of the same structure. He thinks that there is enough difference that the Board should at least entertain the application.

D. Mason moved that the Board finds that this new application, ZBA2026-004, is substantially different than ZBA2026-003.
Seconded by R. MacMillan.

B. Major stated that he agreed with D. Mason.

B. Major and C. Robbins-Tsao discussed the fact that the issue of the case is the same; it still involves the side yard setback.

D. Mason asked whether the Board wants to hear from Town Counsel in regard to whether this application is different enough for the Board to hear. B. Major replied that no, we cannot ask him.

Voting in favor of the motion were B. Major, J. Belanger, C. Robbins-Tsao, and D. Mason. R. MacMillan was opposed. The motion PASSED 4-1-0.

Applicant: Chris Crump, CWC Design presented the case on behalf of the property owners, John and Tera Mullin, 25 Colburn Lane. Stated that they took a lot of the input from the Board's previous meeting. What they are now presenting is a 24' x 32' garage attached to the house. It is now 17' from the side property line. He stated that there is not much more they can do to get any further from the side property line. The existing house was positioned on the property due to the site conditions and the sloping of the property on the right-hand side. There is also a well on the right-hand side of the house, and an underground propane tank, which would prevent putting anything on that side. At the previous meeting, the Board had suggested that the garage be attached. That was not the Applicants' first choice, but they have amended to that as they feel that this is the only location where a garage could go, on the property. There will be a space above the garage; the Applicants will no longer have any money in the budget to finish the space, so the inside of that area will be unfinished until some future time.

S. Swerchesky asked what that finished space ultimately would be. C. Crump replied that it might be more living space; they do not know right now. They have a growing family.

C. Crump stated that while the owners, John and Tera Mullin, were not at this meeting, they provided a statement for him to read: "Dear Members of the Zoning Board, unfortunately we had a wedding to attend and were not able to attend the meeting tonight. We're very thankful that Chris is able to represent us. … I want to let you know a little bit more about me and my family. I, John, was born and raised in Nashua, a proud graduate of Bishop

Guertin High School, and went to on to graduate from the University of New Hampshire. Having met friends from all over at BG, some of my best friends ended up being from Hollis and it became a special place for me. I even worked at Lull Farm in high school. When Tera and I were young and relocated back to New Hampshire to start a family we were temporarily living in Windham. I knew she would love Hollis as much as I did, but she was not familiar. We packed our two young boys and took them and arrived in Hollis. This was in the middle of the Strawberry Festival. Needless to say, Tera got it and we set our sights on finding a home here to plant roots and settle down. As we explained at the last meeting, with children getting older and driving soon we need more space. The plan that we have is now attached, which is reasonable, and is further from the property line. The other benefit that we now get is the potential in the future to convert more living space above the garage. With two elderly parents, I do fear what may happen some day. I would love to welcome them on, but that is far in the future if that happens. If that day comes, currently, though, we cannot. Also, as is becoming more common these days, we have three children that may also need a place to live temporarily. This offers our family flexibility, and provides potential relief to future hardships if they arise. Unfortunately, with where this house was built on the plot, the other side of the house is not feasible. I'm assuming that this is why they did not put the driveway there. Our well is right there, as well, as is the buried propane tank. It slopes down steeply and probably over 50 feet. With the number of trees that would need to be cleared it would be a major eyesore. It is not practical, nor keeps the character of Hollis. Both of our immediate neighbors fully support this and have no concerns. Also, to my knowledge, no one responded either time to the letters that were sent out. I understand that these decisions carry weight and should be taken very seriously. I hope that this redesign is able to alleviate the concerns from the last meeting, and that we are able to improve our property for our family. Thank you for considering this."

C. Crump further stated that he noticed that some of the comments that were made in regard to the decision to not approve the previous application included that anyone who moves into the house next door afterwards will not have that same 35-foot setback – but in his opinion, solely, when they do buy the house they will see that the garage is there already and can make the decision as to whether they want to have that garage there or not when they buy the property.

B. Major stated that that might affect the value of the house. C. Crump stated that they would have that decision to make before they purchase the house, though. They would see the garage already there, and then decide whether on not that's the right house for them.

C. Crump stated that they are here trying to be amenable to the suggestions and ideas that the Board had last time, and they are trying to be as accommodating as they can while still achieving the intention.

B. Major stated that C. Crump might have misunderstood some comments. He stated that he was the primary instigator of those comments, and that he thinks that the Board looks at alternatives in deciding whether there is a hardship involved. He thinks that some members may look to that; if there is another way to do it, maybe there isn't a hardship. When we discuss alternate plans, we are not redesigning the plan; we have to go with the application in front of us – but he thinks that it's a helpful discussion. It indicates to him personally whether there is a hardship that is associated with the particular application.

C. Crump stated that for the Applicants, the hardship is that there really is no other place that they can put the garage on the property.

B. Major asked whether C. Crump wanted to incorporate his prior testimony for this hearing, as well. C. Crump asked about that, and B. Major replied that it's if they missed something. They've heard the case already. B. Major suggested that they go through the points of the variance.

C. Crump stated that he thinks he's stated pretty much everything that is there; the hardship is that there is no other place that they can put this garage on the property. They can't put it on the right-hand side – there's too much of a slope grade, there's a well in the way, there's an in-ground propane tank on that side of the house, and

there is a significant number of trees. He knows that there is no 'financial hardship', so called, but the Applicants would probably have to put up a 20-30 foot retaining wall on that side just to support a driveway. As the homeowner mentioned, it's about a 50-foot drop on the right-hand side of the property.

Per a question from B. Major, C. Crump stated that once you go across the front of the house, about 20 feet or so past the right-hand side of the house the land drops off steeply and the elevation change is around 40-50 feet. It's a very steep decline. B. Major stated that, therefore, it would be very impractical to put the garage anywhere else on the property other than what is being proposed.

B. Major stated that the Board asked the question last time – they've already got a garage on the house. That has been discussed. He thinks that the explanation last time was that the garage is not suitable to be used as a garage; they needed the space. C. Crump stated that that is correct. The garage they have now is not suitable for a garage for the growing family, and they need more height in the garage to be able to make it functional.

B. Major stated that the house was presumably sited on that particular parcel – they've got over two acres – due to topographic concerns. C. Crump replied that he doesn't know what the mindset was back when they built the house, but he would imagine that that was a huge point in the decision as to where to place the house on the property. He guesses that the easiest and most obtainable way to put a driveway in would have been on the left-hand side, and unfortunately, they did put the driveway in the setback – which is fine; it is legal to put a driveway in a setback, but it leads you to where the garage has to be.

B. Major asked to talk about the relationship between the purposes of the ordinance and the specific application of the property. Dimensional ordinances exist to protect, among other things, the sanctity and privacy of adjoining parcels. They are also for fire and police access to the back of the property, public safety concerns, massing concerns.

C. Crump stated that sometimes fire and safety access to the back of a home is not obtainable because there are too many trees in the setback area. This property, as well, has a significant tree line on the left-hand side of the house that screens it from the neighbors.

B. Major asked, to the south of this parcel, to the left of it, what the spacing is between this proposed garage and any existing structures. He thinks that the Board heard some testimony last time in regard to that. C. Crump responded that the property to the left of the Applicant's property has at least a 35-foot setback to their two-car garage. They have a two-car garage there, and on the other side is the living space for the house. There is no living space up against the 35-foot setback on the abutter's property – so this proposal would not interfere with them. The Applicants have shown the neighbors the plans, have gone over them thoroughly with them, and have said that they have absolutely no issue.

B. Major asked how far the residence or any associated decks are from the proposed garage. C. Crump replied that if this application were to be approved, it would be 17 feet from there to the Applicant's property line and then another 35 feet on the abutter's property before there was any structure whatsoever. B. Major asked how far it is from the proposed garage to the abutter's house. C. Crump replied that he did not know that answer. K. Anderson stated that it's about 100, 115 feet. C. Crump added that, again, there is a very dense tree line along that side.

B. Major asked whether, if the neighbor looked out a window that was nearest to the proposed garage, they could see the garage at all during the summer months when the tree leaves are out. C. Crump answered no, and added that the neighbors' house is on the far side of the neighbors' own garage; the neighbors could not see through their own garage to view the Applicants' proposed garage. They would not be able to see it at all from their living space.

R. MacMillan asked whether any abutter issued a letter of approval on this proposal. C. Crump answered no – but the Applicant did meet with them, and they both said that they had no issue with this.

J. Belanger asked whether it is feasible that the neighbors might want to build something between their existing driveway and the Applicants'. C. Crump replied that he has no idea. If they want to come in and get a variance of some kind –. J. Belanger stated that from what he can see, they couldn't expand the home to do that.

Per a question from M. Bishop, C. Crump stated that he believes the neighbor's garage is attached to their house.

Per a question from C. Robbins-Tsao, C. Crump stated that the current garage is 24 feet in width. It is under the house. He stated that the average garage these days is 24 x 24; he designs them all the time.

C. Crump stated that the width is the concern on the proposed garage, as that is what goes into the setback. The depth is not an issue, because the property line angles.

Per a question from B. Moseley, C. Crump confirmed that the size of the existing garage, which goes into the house, is approximately 24 x 21, with columns in the middle. It is about 7.5 feet high. B. Moseley asked what the height of the new garage will be.

Sam Chase, Owner of Chase Home Improvement. Stated that he is a good friend of John and Tera Mullin. He lives in Hampstead NH. They do a lot of builds with C. Crump, so he got C. Crump involved when the Applicants reached out to him. Stated that John and Tera Mullin reached out to him to see if they could add on to their house; they really don't want to move – that's the biggest issue. He stated that the difference in the interior dimensions between the existing garage and the proposed garage is going to be the height, mostly, and the depth. They will be able to get an SUV in there, and they will also have storage space. The interior height of the proposed garage will be 9 feet – so about a foot and a half taller than the interior height of the existing garage.

Per a question from J. Belanger, it was confirmed that the existing garage will then no longer be a garage. M. Bishop asked what it will be, to which S. Chase replied that it will be a part of the basement: a mudroom, a play area for the kids, a hang-out spot.

K. McGhee and J. Belanger stated that the proposed garage is to be 24' x 32'. It was confirmed that the depth does not affect the request for the variance at all. The depth will be further away from the setback because of the angle of the property line.

B. Major stated that when he looked at this new application, he was surprised that it added a second story. That is a factor that he would consider to be aggravating on a side yard intrusion. He asked for an explanation as to why it was necessary to go to two stories on the new proposal, as opposed to the story and a half on the old one.

S. Chase answered that it is because of the overall value to the home. It would hurt the value of the home to have a short little garage. Any kind of addition will have to match the caliber of the home or it will be an eyesore to everyone in the neighborhood.

D. Mason stated that he is wrestling with hardship in terms of this application. C. Robbins-Tsao pointed out that they have a garage, already.

B. Moseley pointed out that while the application is for 25 Colburn Lane, the plan set says 23 Colburn. C. Crump stated that that is an administrative issue, and apologized. It was confirmed that the notice for the hearing did list 25 Colburn.

C. Crump reiterated that in their mind, the hardship is that there is no other place that this garage can go, and the

existing garage is too small to fit today's modern cars. You can't have a coupe or small sedan for a growing family – you need to have an SUV, and right now they cannot pull an SUV into their garage. That is what they are trying to achieve.

C. Robbins-Tsao asked when the house was built. C. Crump replied that it was at least 20 years ago. S. Chase added that they are trying to help the homeowners from having to move, as well. They do not want to leave Hollis, and they need more space.

D. Mason stated that fire access to the back of the property would be a problem if the proposed garage were built. S. Chase stated that there is no way a fire truck could get back there now. C. Crump stated again that there are many homes with tree lines on all sides of the house, so there is no fire access at any rate.

K. Anderson stated that the house was built in 1994.

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

The Zoning Board of Adjustment decided to hear the testimony for both cases ZBA2026-005 and ZBA2026-006 at the same time.

ZBA2026-005
The application of Gimak Properties, LLC, property owner, for a Special Exception to Chapter XI; paragraph A.3, Nonconforming Uses; Alterations, to demolish a two-family home and construction a new two-family home, and the addition of a detached garage, located at 6A+6B Proctor Hill Rd., (Map 052, Lot 007) in the Agricultural/Business District.

ZBA2026-006
The application of Gimak Properties, LLC, property owner, for a Variance to Chapter X; paragraph A.1, Non-Permitted Use, to demolish a two-family home and construction a new two-family home, and the addition of a detached garage, located at 6A+6B Proctor Hill Rd., (Map 052, Lot 007) in the Agricultural/Business District.

Applicant: Morgan Hollis, Gottesman & Hollis, 39 East Pearl St., Nashua NH presented both cases on behalf of the Applicant, Gimak Properties, LLC. Stated that the reason why they have two applications is that they have one application for a special exception based upon an alteration of a nonconforming use. His client is proposing to take the existing building, and alter it by demolishing and relocating the foundation and the building. It is a complete tear-down and rebuild of a two-family building into another two-family building. Due to some concerns of Staff that the Board might consider this application more of a case for a variance, in the interest of time they decided to also submit an application for a variance for the use in the zone and for the area of the lot. The property is a nonconforming use – only single-family homes are permitted in this district – and the property is a nonconforming lot in that two acres are required for every single-family home and they only have 1.16 acres.

He stated that he would present the special exception case first; the Board might vote to determine whether a special exception is appropriate in this case. He is prepared to argue both cases, and believes that they have excellent arguments for both cases, but does believe that it is a special exception.

M. Hollis stated that the Applicant, his client, has owned the property for a number of years. On that property is a two-family house that was constructed in approximately 1950. His client rents the property out and has come to the conclusion that, because the floors are sagging and are in fact under the level of the ground outside, when it rains the water pours in. In addition, most homes built in the 1950s have been upgraded in terms of electrical, plumbing, and heating, and this home has not. It does look pretty good from the outside, but needs work on the inside. There is a one-bedroom single family unit on one side, and a three-bedroom unit on the other. The

Applicant has evaluated the cost of repairs, which would include foundation repair, a foundation drain system, removing and replacing existing rotted siding, replacing the front porch and back landing which are rotted, removing and replacing the roof, upgrading the electricity, upgrading the kitchens, upgrading the countertops, upgrading the interior painting of the house, and upgrading all bathrooms. Those are just the upgrades to get to today's code standards, and do not include making the property nicer. That cost is around $230,000. When the Applicant considered that cost in terms of the structure that is there, he decided that he would prefer to replace it.

M. Hollis stated that in the ordinance, the intent of the nonconforming uses of structures and lots provision is "to allow for the lawful continuance of nonconforming uses, structures and lots, and to allow a certain reasonable level of alteration, expansion or change to occur by special exception when it can be demonstrated that the proposed alteration, expansion or change will not change the nature of the use, unduly impact the neighborhood or provide inadequate subsurface disposal of waste. Of particular concern is the preservation of the quality of the groundwater, which is Hollis' source of domestic drinking water. Specific attention to the potential of groundwater contamination arising from septic systems which are inadequate or located without adequate setbacks from other septic systems and/or drinking water wells was given in the development of this ordinance." It then goes on to say, under section A, "A nonconforming use may be continued although such use does not conform. … Alteration, expansion or change of a nonconforming use or structure shall only be permitted by Special Exception by the Zoning Board of Adjustment if it finds that: (a) the proposed alteration, expansion or change will not change the nature and purpose of the original use, and (b) the proposed alteration, expansion or change would involve no substantially different effect on the neighborhood, and (c) any increase in heated living space, as proposed by the plans submitted which, in the judgment of the Zoning Board of Adjustment, is reasonably capable of increasing the number of bedrooms for a nonconforming dwelling or lot, may require the septic system to be approved by the New Hampshire Division of Water Supply and Pollution Control and the Town of Hollis in accordance with the provisions of New Hampshire RSA 485-A: 38 and the Town of Hollis' septic regulations for the number of bedrooms currently in the home or proposed for the home."

M. Hollis stated that the Applicant believes that although this would be a very large alteration, it is not significantly different than what exists there today.

Per a question from D. Mason, M. Hollis stated that they currently have a one-bedroom unit and a three-bedroom unit, and they are increasing it to three and three. They are proposing a new septic for the unit that will now have more bedrooms.

B. Major asked about the difference that there will be in square footage, to which M. Hollis replied that they are going from a single floor to a two-floor. The exterior dimensions will be slightly different, but in terms of a footprint of square footage the footprints are not significantly different.

D. Mason asked about the septic for the previous three-bedroom unit which will remain a three-bedroom unit. M. Hollis stated that it would remain because it is acceptable. It could be a condition that it needs to be inspected and approved, and if necessary, brought up to speed.

S. Swerchesky asked whether this property is in the Historic District, to which the answer was yes. D. Setaro stated that the owner is aware of that, and aware of the fact that the case will have to go to the Historic District Commission as well.

M. Hollis stated that, for a special exception, first you have to decide whether the alteration, expansion, or change of a nonconforming structure will not change the nature and purpose of the original use. Their argument is fairly straightforward. The current use is as a two-family – yes, one side is going from one bedroom to three bedrooms, but it is essentially going to remain a two-family. It is going to have garages on each of the units, which is currently not the case. It will not change the nature or the purpose, being a two-family house on a pre-existing nonconforming lot. They would argue that they satisfy (A), the nature and purpose of the original use. (B), M.

Hollis stated that there will be no substantially different effect on the neighborhood. They are in fact moving away from the abutting residential house on the right-hand side. To the right-hand side is residential, and to the left is commercial. The relocation of the foundation is going to be a little bit more forward, but still outside the setbacks, and away from the neighboring house. It will be more toward the commercial property on the other side. Traffic will be the same, with the same number of residential units. It will be slightly higher, but not outside the normal scope of houses in the district. The zone is Agricultural and Business; the neighbor next door is business, the neighbor across the street is business, the neighbor kitty-corner is business. There is one residential property next door. M. Hollis stated that, finally, as they are increasing the bedrooms, they agree that they need to meet the septic requirements. They think that they meet all of those three criteria to get them into the special exception category. M. Hollis further stated that it will be the same use, but just a better-looking structure. It will be two stories rather than one; it will be all upgraded. The character is not going to change. They do have to go to the Historic District Commission, which may modify the Applicant's existing plan or may not approve the project.

M. Hollis stated that the changes will not be detrimental to the environment – it is going to improve the environment by allowing for a new structure, up to code, located on a foundation, and will have a new septic system, possibly two, if the inspection requires it. Further, it will not be detrimental to the scenic values of the Town. It will be set back from the road, as required, and will not be intruding into any of the setbacks. It will be an upgrade in terms of the quality of the structure. It will be an improvement from what is a dilapidated building. Additionally, it will not be detrimental to health, safety, or general welfare. By upgrading any old structure, you improve the health, safety, and welfare of your community. You improve it by bringing everything up to code. The existing structure does not meet today's code. The proposal will not materially affect traffic or the physical condition of Town roads. The curb cut and driveway are going to remain exactly where they are. The two-family traffic will be the same. A one-bedroom unit generally has fewer people living in it than a three-bedroom, but it is still a two-family use.

R. MacMillan asked whether that is a substantial increase in use, to which M. Hollis replied that in his opinion going from a one-bedroom to a three-bedroom is not a substantial change in the use. R. MacMillan asked why that is, and M. Hollis stated that it is a duplex – that is two families on the same lot. With a one-bedroom, someone can say that they have converted a portion of the bedroom into a second bedroom, and they can do that internally without having to do an expansion. They would have to change the leach field, but in this case the owner is upgrading the leach field and the septic. R. MacMillan asked whether M. Hollis would agree that that is a substantial improvement of the property. M. Hollis stated that yes, it is an improvement of the property. He does not disagree that going from a one-bedroom to a three-bedroom is a change – but in terms of the actual use of a single-family vs. a two-family, it is not materially different. It is just the number of bedrooms.

R. MacMillan stated that having three bedrooms is a substantial difference from having one bedroom. M. Hollis stated that he is not arguing that three bedrooms isn't different than one bedroom, but that the use as a two-family structure is not changing. R. MacMillan stated that it would be a substantial increase in the use: it is three bedrooms instead of one. M. Hollis stated that he would argue that going from one bedroom to three does not make any difference in traffic, or the physical condition of the roads, or environmental or scenic character.

M. Bishop stated that M. Hollis is saying that because it is staying a duplex, a two-family home, that is not a substantial change. M. Hollis agreed that that was his argument – it's not a substantial change in use. It is going from a duplex to a duplex. He does not disagree that going from a duplex of one bedroom and three bedrooms to a duplex of three and three is a substantial change. M. Bishop stated that he looks at it as a substantial change because you're ripping something down and building new – that is a substantial change, whether or not the number of bedrooms stays the same.

M. Hollis replied that he cannot disagree with those arguments, but wants to point out that he thinks the proposal meets all of the criteria necessary. It will not damage the nature or purpose of the original use; it will not have a

substantially different effect on the neighborhood – and that is the criteria.

R. MacMillan asked how it would be determined that there is no effect on the neighborhood. Is it just by saying it?

M. Hollis stated he thinks that in having a duplex be replaced by a new duplex you have to evaluate whether you're changing the use. The answer is no – you have a two-family. The next level is a one-bedroom vs. a three-bedroom, which is R. MacMillan's concern. He does not disagree that it is a change – but the question is whether there is a substantially different effect on the neighborhood in going from a one-bedroom to a three-bedroom. On the side where the one-bedroom unit is, they abut commercial. Is going from a one-bedroom to a three-bedroom going to have a substantial effect on that neighborhood? The answer is no.

Per a question from R. MacMillan, M. Hollis confirmed that they are going from a single-story building to a two-story, and stated that there are other two-stories in the neighborhood. He is not saying that it is not substantially different than what they currently have; he is saying that it does not have a substantially different effect on the neighborhood. That is the criteria: not whether it is substantially different, but the effect on the neighborhood. He is making the argument that adding two bedrooms and going up to two stories does not substantially affect the neighborhood. Nor does it change the nature and purpose of the original use.

S. Swerchesky stated that he doesn't think there is a substantial change in the use of the building, but he would like to know the purpose of the additional garage in the back. The proposed building has garages attached to it, incorporated into the building. M. Hollis answered that his client wanted to have a garage as a barn-type function, for the two families to have storage. Rather than going before the Board a second time, M. Hollis suggested incorporating it into this application. The Applicant is willing to accept a "no" on the garage.

Per a question from C. Robbins-Tsao, a section of the plan was confirmed to be pavement for the parking area going into the garage.

B. Major stated that as he looked at the application, he felt that the Applicant has a right to replace an existing duplex with a new duplex – but the thing that was messing it up was the additional garage. This is a one-acre lot.

M. Hollis consulted with the Applicant, and stated that they are going to withdraw the garage from the plan.

K. Anderson asked for clarification – the case before the Board is the nonconforming use of the duplex. How does the garage play into it? The Applicant could just apply for a garage at a later date, with a building permit.

B. Major asked whether, if you had a one-acre parcel in Town with an existing house on it, you could apply for a building permit for a garage if it complied with the setbacks. K. Anderson answered that that is correct, and that is why he doesn't know how that plays into this application. The application talks about the two-family structure on an undersized lot.

Per a question from R. MacMillan, M. Hollis confirmed that the garage has now been withdrawn. R. MacMillan stated that the garage would be a substantial increase of the use.

There was general discussion as to the fact that the now-withdrawn garage is within the setback requirements, as it is in the A&B zone.

K. Anderson stated that when applications go before the Historic District Commission for review, they do look at substantial trees. He wants to make sure that the proposed house is not being pushed too far forward to involve removal of the trees. While that is a point for the HDC, the ZBA is talking about the proposed location of the building on this plan and he wants to make sure that those trees will remain.

B. Major stated that what the ZBA typically does is require the Applicant to go before the HDC, and that any approval from the ZBA is conditional upon approval by the HDC.

K. Anderson stated that that is correct. As proposed, the house is being pushed up to the front yard setback line and he wants to make sure that they are not going to lose those two trees. B. Major indicated that the HDC will be aware of that concern.

B. Major asked the Applicant to talk about the variance. Why do they think they need a variance?

M. Hollis replied that he didn't think they needed a variance – but when they approached Staff in regard to the application K. Anderson pointed out that they are removing a structure and making big alterations. Should the application for the special exception fail, M. Hollis wanted to make the case for a variance at the same meeting rather than come back at a later date.

K. Anderson stated that the criteria for the nonconforming use in a special exception was covered well by M. Hollis at this meeting. His concern is the paragraph before that, which speaks to the intent of that entire section. In that section, the intent is to allow the lawful continuance of a nonconforming use, structure, and lots, and to allow a certain, reasonable level of alteration, expansion, or change to occur by special exception. K. Anderson had some questions about that sentence. He brought it to M. Hollis's attention, saying that if M. Hollis was comfortable that he was proposing a special exception that meets that criteria then he should move forward with the application for a special exception. Otherwise, he would recommend a variance.

In terms of the variance application, M. Hollis stated that he would summarize it briefly. It is not contrary to the public interest if the Board grants this variance because it is not going to alter the character of the neighborhood. The building is an existing two-family and it is going to remain a two-family. The proposal is slightly closer to the road, but that will be up to the Historic District Commission. The final design will be up to the Historic District Commission – but the Applicant doesn't believe that having a two-family where there was an existing two-family, even if it is larger and substantially different in nature, with a one-bedroom unit becoming a three-bedroom unit, will alter the character of the neighborhood. That is their proposal, because the character of the neighborhood has residential on one side, commercial on the other side, commercial across the street, a restaurant and commercial kitty-corner. They believe that having a two-family within this zone is not contrary to the purpose and intent of that zone and will not alter the character.

In terms of granting the variance not being contrary to the spirit and intent of the ordinance, M. Hollis stated that many towns actually have, in the 'intent' portion of their ordinances, to discontinue and be rid of nonconforming uses. He considers the Town of Hollis to be more progressive in its recognition of nonconforming uses – they are allowed as long as it is at a reasonable level. The Applicant believes that, following that intent, a two-family building allows two families to live in an area which is somewhat of a business zone. They do not think that they are altering the character by putting in a new two-family where the old two-family was. M. Hollis stated that they do not think it will threaten the public health, safety, or welfare because they are proposing a new septic system. The Applicant would agree to a stipulation that the existing septic needs to be reviewed for both units, and, if necessary, upgraded.

M. Hollis stated that granting the variance would not adversely affect the values of the neighbors. The Applicant believes that the proposal improves the look of the property. It is going to be subject to Historic District Commission review. A rising tide floats all boats, so when you increase the value of properties in the neighborhood, as long as you don't change the use from what it is, you raise the value of the abutting properties. They have received no objection from any neighbor or abutter.

In terms of substantial justice, M. Hollis stated that they believe this allows a reasonable use by the property

owner to continue the current use of a two-family without expending a significant amount of money to just patch and paste an existing two-family structure. They believe that it is also to the benefit of the community, and that there is no public harm if the Board were to grant the variance. For substantial justice, the Board has to balance what the harm to the public would be vs. the loss to the private property owner. In this case there would be no harm to the public. There would be a benefit, as the Board would be allowing the ability to upgrade the septic, allowing the ability to upgrade a building to today's codes, and would still maintain two units of housing in Town instead of rejecting all of this and perhaps forcing a single-family home to go on the property. When there is no harm to the public, it falls in favor of substantial justice to the Applicant.

Finally, in terms of the hardship argument, M. Hollis stated that this is a somewhat unique piece of land. It is undersized for the zoning; it is undersized for any zoning that is going to have residential housing. It is a pre-existing lot, so if this structure has to come down, you're only going to have one single-family house there and this is probably not the place to put in a brand-new single-family home. It is a unique piece of property, given the nonconforming use as a two-family and the nonconforming lot size. It is also surrounded by commercial, with residential on one side. Because of the uniqueness of the parcel, is there any fair and substantial relationship between the purpose of the zoning, limiting it to one single-family on that lot – is there any fair and substantial relationship to the purpose of that requirement as enforced here? They would argue no. It's a pre-existing nonconforming use. An empty lot would be another matter, but when you have a pre-existing use it is only reasonable to put a similar use on the lot. Therefore, they believe that they meet all the criteria for a variance.

B. Major asked whether they can get a new septic on the property, as it is only an acre. Have they perc tested it? M. Hollis answered yes. K. Anderson added that he has witnessed the test pits; they have been conducted.

Applicant: Marcelo Borges, owner of the property at 6A + 6B Proctor Hill Road. Stated that the septic for the three-bedroom unit was replaced in 2016, and it is all on record.

J. Belanger stated that it is his understanding that there are currently three apartments in that building. Not units – apartments. He asked whether that is correct – three different renters. M. Borges answered that no, it is two, and right now the house is vacant.

J. Belanger asked whether this would be the same builder who built across the street. M. Borges answered yes. J. Belanger stated that across the street doesn't match the historic district, but the pictures that the Applicant provided of this proposal do.

It was confirmed that the current home was built in 1950. J. Belanger stated that he disagrees with removing the second garage; he thinks it should stay. He asked what the driveway slopes will be, to which M. Borges replied that it is pretty flat and that they are keeping the same driveways as exist right now.

B. Moseley stated that in summary, they are basically taking a currently unsafe building to today's standards, improving it so that it would be much less likely to catch fire or have an accident – so that it will be a much better building safety-wise and fire-code-wise. M. Hollis stated that that is correct.

D. Mason asked what the hardship is. M. Hollis stated that the hardship is that if you have to tear it down and you can't replace it with a two-family – under the ordinance, you're to replace it with a single-family – that would be a financial hardship. You already own a nonconforming use, so you're either going to repair and restore a nonconforming use and keep it not as good as it could be, or you're going to have to tear everything out and put a single-family in there. The question is what is the purpose of the zoning requiring single-family in that area, and is it fair and reasonable? Is there a substantial relationship between requiring a single-family in that zone, on that lot, and enforcing it on this lot? Their argument is that there is no fair and substantial relationship. M. Hollis stated that they believe it is called the "unnecessary hardship", meaning that it's a hardship you shouldn't have to undergo because the purpose of the ordinance as applied to this lot doesn't make sense.

C. Robbins-Tsao asked about the footprint of the current structure vs. the footprint of the new, proposed building. It was pointed out that the application includes an overlay. M. Hollis stated that it is fairly close.

J. Belanger stated that a hardship cannot be financial. M. Hollis stated that it can be financial in certain instances, but that is not what he is arguing in this case. He is arguing that there is no fair and substantial relationship. There is always a misnomer that a hardship has to be that you can't use it for what it is zoned for. In this case you could, but if it doesn't make any sense that is what the relief valve is for. That is why they have the words "fair and substantial". The question is whether there is something unique about the property that imposes an unnecessary hardship because the ordinance has no real relationship to this particular lot. The purpose of the ordinance here is to only have single-family homes in the A&B district. Is this location the right place to be enforcing that? No. It doesn't make any sense, given what is around it. It's not a fair and reasonable enforcement. Particularly where they have a two-family already, they would like to do the same.

J. Belanger asked whether the property across the street, which was built by the same builder, is still owned by Gimak Properties. M. Hollis stated that he doesn't know. J. Belanger stated that he owns 17 Proctor Hill Road, which is down the road.

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

The ZBA recessed at 8:25pm.
Reconvened at 8:30pm.

DELIBERATION AND DECISION

ZBA2026-004

The application of Chris Crump, for a Variance to Chapter X; paragraph H.5d, Minimum Side Yard Depth, to construct a 24' x 32' attached garage 17 feet from the side property line, (required 35') property owned by John & Tera Mullin, located at 25 Colburn Ln. (Map 035, Lot 035) in the Rural Land District.

B. Moseley stated that this proposal still goes pretty far into the setback. It's not a de minimis intrusion. It's still more than 18 feet into the setback.

B. Major stated that he doesn't think it has to be de minimis. The Board self-limits debate when it's de minimis. The Board can grant a variance if it's not de minimis; historically, they always grant a variance if it is de minimis.

R. MacMillan pointed out that the Applicant is asking for less than half of the setback.

B. Major stated that the Applicant's argument is that he has a house, and would like to put a garage on that house. He has an existing garage that is not sufficient, and the topography of the lot is such that he really can't put a garage anywhere else on that two-acre lot.

B. Moseley stated that, in looking at the property, the Applicant still has a pretty good side yard. He still has a pretty big gap between the house and the slope.

R. MacMillan stated that the Applicant would have to cut down trees to locate a garage on the other side.

B. Major stated that his personal view, in looking at the plan, is that it looks as if it fits with the house. The proposed construction really wouldn't have an effect on anyone in the surrounding area.

R. MacMillan stated that B. Major is saying that if it looks good, then it's ok. B. Major replied that it is a factor. R. MacMillan asked how it is a factor. He stated that looks are strictly an opinion. B. Major stated that the Board has to make opinions on cases.

R. MacMillan stated that the variance is not an opinion. The ordinance is the ordinance, and it's 35 feet. He asked whether we're going to say, from now on, that 17 feet is ok if the building looks good.

B. Major stated that he wouldn't suggest that in a million years. However, the Board cannot take the position that any time there is a side yard intrusion they cannot grant a variance because we have the ordinance. We have to look at each application. He stated that the Board has granted some that have not been de minimis. R. MacMillan asked when, to which B. Major did not have an answer. R. MacMillan asked whether the Board has granted one that had only half of the required setback, and stated that this application is for less than half.

J. Belanger stated that the Applicant is asking for 17 feet from the side property line, vs. the required 35 feet. The physical layout of the lot is a hardship. An attached garage eliminates the existing garage, so now the house will only have one garage. The former application had a garage completely in the setback, which the Board did not approve. It is a usual desire for a homeowner to have a garage, so not having one is a hardship. Growing families need a garage. A one-car garage would be more in line with a setback variance because it would be 29 feet away – but a 12' x 32' garage doesn't fit for this family. He thinks that there is a hardship because the existing garage is too small, and the layout of the lot presents a hardship for siting a garage.

M. Bishop stated that he would go along with that to a point. The layout of the lot does make it hard to put in a garage. They could put in a one-car instead of a two-car garage and be closer to conforming, but it still would not meet the setback requirements. It is a good-sized lot; you could cut down trees, you could make a driveway go all the way back, you could put a garage all the way back on the other side. The Applicant could say that that would be a financial hardship, and when Town Counsel was before this Board a few months ago he stated that a hardship can be financial.

J. Belanger stated that there is no way you're going to put a driveway around the back of that house.

M. Bishop stated that that is his point – because of how this lot is, the only place that they could really put a garage is in this one location. The question comes down to whether or not the Board wants to let the Applicant have a garage. Whether it's a one-car or a two-car, it's still going to bust the setback limits.

R. MacMillan stated that years ago a gentleman came before the Board who owned a parcel of land adjacent to another parcel of land that he owned which was 30 acres. He wanted to build 15 feet from his other parcel of land, and the Board turned him down. The Board understood that he had plenty of room to put the structure, but he was adamant about where he wanted it.

S. Swerchesky asked how that case is relative to the current application. R. MacMillan stated that what he is saying is that if the Board decides that 17 feet is fine, there are plenty of people who would like to have another garage, or another building, but unfortunately, they are limited by the setback. He stated that you've got to have some leeway, whether it's 5 feet, or 10 feet, but half of the ordinance?

B. Major stated that the Board had a previous case involving a three-car garage, as required by subdivision regulations, and they denied it. The Board said that the ordinance is more important than subdivision regulations, and had them put in a two-car garage.

B. Major stated that in terms of the current application, a one-car garage would look really odd. R. MacMillan concurred.

C. Robbins-Tsao stated that she has a problem with the hardship argument. R. MacMillan stated that he does, also. C. Robbins-Tsao added that everybody wants more garages.

R. MacMillan stated that he and J. Belanger both believe that if you own the property, you should be able to do what you want, but that is not what the Board is about.

C. Robbins-Tsao stated that she does not think the Applicant has met the hardship argument.

D. Mason stated that he is inclined to think that the Applicant has met the hardship requirement, here. K. McGhee stated that she does, too. D. Mason agreed that it is a tough call, and he doesn't like that the encroachment is that big – but they have a reasonable need for a garage, and they don't have anywhere else to put it. He buys the argument that they cannot put it on the other side.

R. MacMillan stated that, then, if you need a garage, that's the criteria. K. McGhee replied no – each case gets heard individually.

B. Major stated that the Board has to look at what they are defending. They are defending the side-yard setback, which the voters approved, but they have also given the Board authority, through State law, to vary the conditions. What are we protecting in this case? If this garage goes in, what are we left with? We're left with a two-car garage adjacent to that house, which is considerably better than the plan that the Applicant had previously.

R. MacMillan asked, if the Board grants this variance, who cannot have a two-car garage this far into the setback? B. Major stated that he thinks the Board would decide on a case-by-case basis.

B. Moseley stated that the reason they want a two-car garage is because they can't manage the stuff they have.

K. McGhee stated that the Applicant did explain that they have a growing family. They did explain how they have designed to use the extra space, to help their family expand so that they don't have to move.

B. Major stated that the Board has to look at the reasonableness of the request, what they are defending in potentially insisting on strict compliance with the ordinance, and whether this would have any effect on anyone whatsoever. He thinks that the Board heard enough testimony to be able to find that this would have no effect on the neighbor to the south, or to the left of the property. K. McGhee concurred.

R. MacMillan stated that he thinks it's a stretch for the Board to determine that there is no effect.

S. Swerchesky stated that he doesn't think the distance makes any difference. It is the ordinance, it's meeting the hardship, it's the topography of the lot, the configuration of the lot – that is what counts. It doesn't matter whether the distance is de minimis or not. The Board has to determine whether the Applicant has the hardship, whether the topography is an encumbrance.

B. Moseley stated that the hardship is that they can't manage their stuff, and they need a bigger garage.

R. MacMillan stated that the Applicant has a two-car garage. Many people in Town have a two-car garage underneath their house. The Board understands that they have a growing family, and we don't want them to move. B. Major stated that that is basically noise, when deciding the case. It is sympathetic, but the Board

has to look at this colder and harder.

B. Major moved for the following condition of approval;
1. The Applicant shall maintain the vegetative buffer between the proposed garage and the abutting property to the south.
Seconded by R. MacMillan.
Motion unanimously approved.

B. Major moved for the following Finding-of-Fact;
1. The Board finds due to the layout and topography of the existing lot; a hardship exists because there is no other reasonable location for the garage.

Seconded by D. Mason.
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).	The proposed use is a reasonable one.
Question 5b.	The property cannot be reasonably used in strict conformance with the ordinance, and a variance is, therefore, necessary to enable a reasonable use of it.

Board Member	Question #1	Question #2	Question #3	Question #4	Question #5a (1)	Question #5a (2)	Total Yes	Total No
B. Major	Yes	Yes	Yes	Yes	Yes	Yes	6	0
J. Belanger	Yes	Yes	Yes	Yes	Yes	Yes	6	0
C. Robbins-Tsao	Yes	No	Yes	No	No	No	2	4
R. MacMillan	No	No	Yes	No	No	No	1	5
D. Mason	Yes	Yes	Yes	Yes	Yes	Yes	6	0

THEREFORE, THE VARIANCE WAS GRANTED 3 TO 2 WITH THE FOLLOWING CONDITION AND FINDING-OF-FACT;

CONDITION:
1. The Applicant shall maintain the vegetative buffer between the proposed garage and the abutting property to the south.
FINDINGS-OF-FACT:
1. The Board finds due to the layout and topography of the existing lot; a hardship exists because there is no other reasonable location for the garage.

ZBA2026-005

The application of Gimak Properties, LLC, property owner, for a Special Exception to Chapter XI; paragraph A.3, Nonconforming Uses; Alterations, to demolish a two-family home and construction a new two-family home, and the addition of a detached garage, located at 6A+6B Proctor Hill Rd., (Map 052, Lot 007) in the Agricultural/Business District.

B. Moseley stated that he doesn't know whether the Board wants to call this a special exception or a variance, but he thinks that it is a net improvement to the area. Although it will not be on the exact same footprint, it appears to be approximately the same square footage. He believes that the project should proceed.

J. Belanger stated that his previous comments about the garage were because he thought the Board had been discussing eliminating one of the two garages that are proposed to be in the house – not the detached garage. He agrees with removing the detached building from the plan.

B. Major asked whether any Board members think that there is the need for the variance in this instance. J. Belanger replied no.

M. Bishop replied yes, and asked to be shown anywhere that an 'alteration' is to rip something down, remove everything, build a new foundation and a new building. D. Mason responded that that is not what the ordinance says. D. Mason stated that the ordinance references a reasonable level of alteration, expansion, or change that does not change the nature of the use, unduly impact the neighborhood, or cause subsurface waste. The nature of the use is the same.

R. MacMillan referenced going from four total bedrooms to six, and K. McGhee stated that, before and after, it's a duplex and a duplex. D. Mason stated that there is change – but it is the same nature of use. R. MacMillan asked whether it is an expanded use.

M. Bishop stated that to him, the change is so significant that it requires a variance. He added that he agrees with all of the arguments for granting a variance. This will be an improvement.

S. Swerchesky concurred, and stated that this is more than a reasonable level of alteration when you go from a single story to two stories. He's not even talking about bedrooms because that is another issue – but the use is the same. He thinks that it would be harder to approve the special exception than the variance.

B. Major stated that if we accept the testimony that the existing structure needs to come down, he thinks the Board would be in agreement that the Applicant has the right to reconstruct. It would be completely impractical to reconstruct on that same footprint and not add a second story. R. MacMillan stated that there is nothing wrong with going up; it is the same footprint. B. Major asked whether it affects the use, to which M. Bishop replied that he thinks the use is still the same.

Regarding whether the case is a special exception or a variance, K. Anderson stated that if the Board is going to move forward with the first application, for a special exception, we can just dismiss the second application for the variance.

B. Major moved for the following condition of approval;

1. *Apart from the proposed duplex, no additional, non-accessory structures shall be constructed on the lot without further Zoning Board of Adjustment approval.*

Seconded by C. Robbins-Tsao.
Motion unanimously approved.

B. Major moved for the following condition of approval;

2. The applicant shall receive Historic District Commission approval prior to construction.

Seconded by J. Belanger.
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**
B. Major	Yes	Yes	Yes	3	0
J. Belanger	Yes	Yes	Yes	3	0
C. Robbins-Tsao	Yes	Yes	Yes	3	0
R. MacMillan	Yes	Yes	Yes	3	0
D. Mason	Yes	Yes	Yes	3	0

THEREFORE, THE SPECIAL EXCEPTION WAS GRANTED 3 TO 2 WITH THE FOLLOWING CONDITIONS;

1. **Apart from the proposed duplex, no additional, non-accessory structures shall be constructed on the lot without further Zoning Board of Adjustment approval.**
2. **The applicant shall receive Historic District Commission prior to construction.**

ZBA2026-006

The application of Gimak Properties, LLC, property owner, for a Variance to Chapter X; paragraph A.1, Non-Permitted Use, to demolish a two-family home and construction a new two-family home, and the addition of a detached garage, located at 6A+6B Proctor Hill Rd., (Map 052, Lot 007) in the Agricultural/Business District.

B. Major moved for the following finding-of-fact;

1. The Board finds the Applicant meets the Special Exception (ZBA2026-005) requirements; the variance application is moot.

Seconded by J. Belanger.
Motion unanimously approved.

Other Business

B. Major stated that he has been cautioned by Town Counsel to not redesign proposals before the Board, to not try to steer the Applicant in a particular direction.

S. Swerchesky stated that he does not have a problem with what B. Major has been doing; applicants who come before the Board may not know all the mechanics of the situation, all the requirements.

D. Setaro pointed out that if an application fails, it could be appealed if the Board makes leading comments.

B. Moseley stated that in discussion with the Planning Board, they have set the first Tuesday in October, October 6th, for a joint Planning Board and ZBA session to talk about potential zoning ordinance changes. The Planning Board would ask that anything the ZBA would like to bring to that meeting be in writing, having been fully discussed by the ZBA and vetted through Staff.

K. McGhee stated that she reached out to the ranking member of the Municipal and County Government Committee, to get her input on where changes fell. That member mentioned a couple of people that she wanted to talk to, to bring some answers back to K. McGhee. K. McGhee is currently waiting on that.

Review of Minutes

D. Mason moved to approve the minutes of June 25, 2026 as amended.
Seconded by K. McGhee.
Motion approved, with C. Robbins-Tsao, S. Swerchesky, and M. Bishop abstaining.

Meeting Adjourned

The ZBA meeting adjourned at 9:30 pm.

Respectfully submitted by:

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